

ENGROSSED HOUSE
BILL NO. 1607

By: Fields of the House

and

Long of the Senate

(professions and occupations - amending 19 sections in
Title 59 - Plumbing License Law of 1955 - Electrical
License Act - Mechanical Licensing Act - codification -
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. 1996, 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 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 the registering of and issuing of certificates to persons desiring or intending to work

~~or act~~ as a journeyman plumber technician or as a
plumber's apprentice,

- b. the establishment and levying of administrative fines,
- c. the initiation of disciplinary proceedings,
- d. 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 order or rule promulgated pursuant
to ~~this act~~ the Plumbing License Law of 1955, and ~~to~~
~~establish~~
- e. the establishment of bonding requirements for the
issuance of a license as a plumbing contractor,
~~provided, such rules and regulations.~~

2. Any rules promulgated pursuant to the Plumbing License Law
of 1955 shall not be inconsistent with the terms and conditions
hereinafter provided. ~~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. 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, as amended by Section 2, Chapter 293, O.S.L. 1994 (59 O.S. Supp. 1996, Section 1003), is amended to read as follows:

Section 1003. As used in ~~this act~~ the Plumbing License Law of 1955:

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 Board of Health;
4. "Plumbing Hearing Board" means the State Plumbing Hearing Board 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 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 any person other than a master plumber or plumbing contractor who engages in or works at the actual installation, alteration, repair and/or renovation of plumbing;
7. "Master plumber" is a term used and defined under laws which have been 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, and rules ~~and regulations~~ governing the same. ~~This definition~~ plumbing pursuant to the provisions of the Plumbing License Law of 1955. The term "plumbing contractor" may be construed to mean any person who has qualified and is licensed under this act pursuant to the Plumbing License Law of 1955 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 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. "Journeyman plumber technician" means any plumber's apprentice who has successfully completed the school or training course for plumber's apprentices recognized by the Commission and has successfully passed the examination required by Section 1005 of this title to qualify as a journeyman plumber;

10. "Plumbing" means, and includes:

- 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 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
- 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; and

~~10.~~ 11. "Variance and Appeals Board" means the Oklahoma State Plumbing Installation Code Variance and Appeals Board.

SECTION 3. AMENDATORY 59 O.S. 1991, Section 1004, as amended by Section 1, Chapter 63, O.S.L. 1996 (59 O.S. Supp. 1996, Section 1004), is amended to read as follows:

Section 1004. A. The Oklahoma State Committee of Plumbing Examiners is hereby re-created to continue until July 1, 2002, in accordance with the provisions of the Oklahoma Sunset Law, ~~as provided by Sections 3901 et seq. of Title 74 of the Oklahoma Statutes,~~ and shall consist of six (6) members, each of whom shall be a citizen of the United States, a resident of this state, and reside in a different Congressional district of this state.

B. 1. Members of the Committee shall be appointed by the State Board of Health which may also remove them for cause. ~~They will~~

2. Members shall hold office for terms of two (2) years, or until their successors are appointed. Two members of the Committee shall have had at least five (5) years' practical experience as a licensed master plumber and/or plumbing contractor, and two members shall have had at least five (5) years' practical experience as a licensed journeyman plumber. One member shall be a plumbing inspector selected from lists of names submitted from plumbing inspection industries and one member shall be a lay person.

C. Whenever appointments of initial, new, or replacement plumbing members of the Committee are to be made, the State Board of Health shall choose them only from lists of at least three names to be furnished whenever needed as follows:

1. Master plumber and/or plumbing contractor member - lists to be furnished by associated plumbing and heating contractors of this state;

2. Journeyman plumber member - lists to be furnished by state pipe trades associations;

3. One licensed master plumber and/or plumbing contractor who is not a member of an association of plumbing, heating, and cooling contractors of this state; and

4. One licensed journeyman plumber who is not a member of a state pipe trades association.

~~B.~~ D. Duties of the Committee shall be to serve the Commissioner in an advisory capacity, and to formulate:

1. Formulate rules pursuant to the Plumbing Licensing Law of 1955~~;~~ and ~~to assist~~

2. Assist and advise the Department on the examination of applicants for licenses as journeyman plumber and/or plumbing contractor, in accordance with such rules and the terms and conditions hereof.

E. A majority of the Committee shall constitute a quorum for the transaction of business.

F. Each examiner shall be reimbursed his or her travel expenses in accordance with the provisions of the State Travel Reimbursement Act, ~~Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.~~

SECTION 4. 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 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)~~ 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~~ the Plumbing License Law of 1955, issue licenses without examination to persons who, on the effective date of ~~this act~~ the Plumbing License Law of 1955, 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~~ the Plumbing License Law of 1955. 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)~~ 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~~ the Plumbing License Law of 1955, 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~~ the Plumbing License Law of 1955 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~~ the Plumbing License Law of 1955.

~~(d)~~ D. All licenses or registrations issued pursuant to the Plumbing License Law of 1955 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.

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~~ 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

Journeyman Plumber Technician's
Registration 10.00

Apprentice Registration
Fee 10.00

Renewal of Licenses (if made within
thirty (30) days after expiration)

Plumbing Contractor's
License \$50.00

Journeyman Plumber's
License 15.00

Penalty for Delayed Renewal

Plumbing Contractor's
License 10.00

Journeyman Plumber's
License 5.00

SECTION 6. AMENDATORY 59 O.S. 1991, Section 1009, is
amended to read as follows:

Section 1009. A. 1. No license shall be issued for longer
than one (1) year and all licenses shall expire on June 30th of each
year ~~and such.~~

Such licenses may be renewed upon application and payment of
fees within thirty (30) days preceding or following June 30th of
each year.

2. The ~~Committee~~ State Department of Health may renew licenses
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 that no~~

3. No penalty for renewal shall be charged to any holder of a
license which expires while such holder is in military service if

application is made within one (1) year following his service discharge.

B. Journeyman plumber technician registration certificates expire upon the issuance of a journeyman plumber's license pursuant to Section 1006 of this title.

C. Apprentice registration certificates expire four (4) years after date of registration, at which time the apprentice may reregister.

SECTION 7. AMENDATORY 59 O.S. 1991, Section 1010, as amended by Section 1, Chapter 251, O.S.L. 1993 (59 O.S. Supp. 1996, 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~~. The Plumbing Hearing Board 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 or registration issued ~~under this act~~ pursuant to the Plumbing License Law of 1955, and may revoke such license or registration in the manner ~~hereinafter~~ provided by this section, 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 license or registration;
3. Demonstrated incompetency to act as a journeyman plumber ~~or~~, plumbing contractor or journeyman plumber technician, 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 or revocation 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~~ pursuant to the Administrative Procedures Act.

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 or revocation. 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~~ the Administrative Procedures Act, 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~~ 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~~ 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. 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~~ 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~~ the Plumbing License Law of 1955 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~~ 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~~ the Plumbing License Law of 1955.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1013.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Commissioner of Health shall, upon proper application and payment of fee, register a plumber's apprentice as a journeyman plumber technician, and shall issue a certificate of such registration to such person who furnishes proof satisfactory to the Commissioner that such person:

1. Has successfully completed any school or training course for plumber's apprentices recognized by the Commission; and

2. Has successfully passed the examination required by Section 1005 of Title 59 of the Oklahoma Statutes to qualify as a journeyman plumber.

B. The journeyman plumber technician may, without supervision of a licensed master plumber, licensed journeyman plumber or plumber contractor, engage in or work at the actual installation, alteration, repair or renovation of plumbing pursuant to the conditions and limitations of rules promulgated by the State Board of Health with the advice of the Committee. The Committee shall hold public meetings throughout this state to develop criteria for the conditions and limitations of practice for a journeyman plumber technician to engage in plumbing which requires supervision and the conditions and limitations of practice for a journeyman plumber technician to engage in plumbing which does not require supervision.

C. All applications for examination, license or renewal of license shall be made in writing to the Commissioner on forms provided, if necessary, by the Commissioner. All applications shall be accompanied by the appropriate fee.

D. All registrations shall be nontransferable, and it shall be a misdemeanor for any person registered under the provisions of the Plumbing License Law of 1955 to loan or allow the use of such registration by any other person.

SECTION 9. AMENDATORY 59 O.S. 1991, Section 1681, as last amended by Section 1, Chapter 155, O.S.L. 1994 (59 O.S. Supp. 1996, Section 1681), is amended to read as follows:

Section 1681. A. The State Board of Health is hereby authorized to ~~adopt, amend and repeal~~ promulgate rules governing ~~the:~~

1. The examination and licensing of electrical contractors and journeymen electricians, ~~the;~~

2. The defining of categories and limitations for such licenses, ~~the;~~

3. The establishment of continuing education requirements and procedures as determined by the Committee, ~~the;~~

4. The establishment and levying of administrative fines, ~~the;~~

5. The initiation of disciplinary proceedings, the requesting of prosecution of and initiation of injunctive proceedings against any person who violates any of the provisions of ~~this act~~ the Electrical License Act or any rule promulgated pursuant to ~~this act,~~ the Electrical License Act;

6. The establishment of bonding and insurance requirements precluding municipal requirements, ~~the;~~

7. The requirement of proof of possession of a Federal Tax ID Number and a State of Oklahoma Employment Security Commission identification number, ~~the;~~

8. The registration of journeyman electrical technicians and electrical apprentices and the standard of electrical installations, ~~;~~ and ~~to adopt~~

9. The adopting of future editions of the Code. ~~Provided,~~ ~~broiler~~

B. Broiler houses will not be required to meet the electrical wiring requirements for environmentally controlled poultry houses as set out in the National Electric Code.

SECTION 10. AMENDATORY 59 O.S. 1991, Section 1682, as last amended by Section 5, Chapter 293, O.S.L. 1994 (59 O.S. Supp. 1996, Section 1682), is amended to read as follows:

Section 1682. As used in the Electrical License Act:

1. "Board" means the State Board of Health;
2. "Commissioner" means the State Commissioner of Health;
3. "Committee" means the Committee of Electrical Examiners appointed by the State Board of Health;
4. "Department" means the State Department of Health;
5. "Electrical apprentice" means any person sixteen (16) years of age or older whose principal occupation is the learning of and assisting in the installation of electrical work under the direct supervision of a licensed journeyman electrician or electrical contractor;
6. "Journeyman electrician" means any person other than an electrical contractor who engages in the actual installation, alteration, repair or renovation of electrical facilities unless specifically exempted by the provisions of the Electrical License Act;
7. "Journeyman electrical technician" means any electrical apprentice who has successfully completed the school or training course for electrical apprentices recognized by the Commission and has successfully passed the examination required by Section 1684 of this title to qualify as a journeyman electrician;
8. "Electrical contractor" means any person skilled in the planning, superintending and practical installation of electrical facilities who is familiar with the laws, rules and regulations governing such work. Electrical contractor also means any individual, firm, partnership, corporation or business performing skills of an electrical contractor or an electrician or the business of contracting, or furnishing labor or labor and materials for the installation, repair, maintenance or renovation of electrical

facilities according to the provisions of the Electrical License Act;

~~8.~~ 9. "Electrical facilities" means all wiring, fixtures, appurtenances, and appliances for, and in connection with, a supply of electricity within or adjacent to any building, structure or conveyance on the premises but not including the connection with a power supply meter or other power supply source;

~~9.~~ 10. "Category" means the classification by which licenses and electrical work may be limited. Such categories shall include but shall not be limited to installation, maintenance, repair, alteration, residential, oilfield, and commercial; and

~~10.~~ 11. "Variance and Appeals Board" means the Oklahoma State Electrical Installation Code Variance and Appeals Board.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1686.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Commissioner shall, upon proper application and payment of fee, register as a journeyman electrical technician and issue a certificate of such registration to any person who furnishes satisfactory proof to the Commissioner that the applicant has:

1. Successfully completed the school or training course for electrical apprentices recognized by the Commission; and
2. Successfully passed the examination required by Section 1684 of this title to qualify as a journeyman electrician.

B. The journeyman electrical technician may, without supervision of a licensed journeyman electrician or electrical contractor, engage in the actual installation, alteration, repair or renovation of electrical facilities pursuant to the conditions and limitations of rules promulgated by the Board with the advice of the Committee. The Committee shall hold public meetings throughout this state to develop criteria for the conditions and limitations of practice for a journeyman electrical technician to engage in the

installation, alteration, repair or renovation of electrical facilities which does not require supervision.

C. All applications for examination, license or renewal of license shall be made in writing to the Commissioner on forms provided, if necessary, by the Commissioner. All applications shall be accompanied by the appropriate fee.

D. All registrations shall be nontransferable and it shall be a misdemeanor for any person registered under the provisions of the Electrical License Act to loan or allow the use of such registration by any other person.

SECTION 12. AMENDATORY 59 O.S. 1991, Section 1687, as amended by Section 4, Chapter 155, O.S.L. 1994 (59 O.S. Supp. 1996, Section 1687), is amended to read as follows:

Section 1687. The following shall be the fees charged under the Electrical License Act:

Electrical Contractor Examination	\$50.00
Journeyman Electrician Examination	\$25.00
Electrical Contractor License	\$50.00
Journeyman Electrician License	\$15.00
<u>Journeyman Electrical Technician</u>	<u>\$10.00</u>
Electrical Apprentice Registration Fee	\$5.00

License Renewal, if made within thirty (30) days after expiration:

Electrical Contractor License	\$50.00
Journeyman Electrician License	\$15.00
Electrical Apprentice Registration	\$5.00

Penalty for Late License Renewal:

Electrical Contractor License	\$10.00
Journeyman Electrician License	\$5.00
Electrical Apprentice Registration	\$2.50

SECTION 13. AMENDATORY 59 O.S. 1991, Section 1688, as amended by Section 5, Chapter 155, O.S.L. 1994 (59 O.S. Supp. 1996, Section 1688), is amended to read as follows:

Section 1688. A. 1. No license shall be issued for longer than one (1) year and all licenses shall expire on June 30 of each year.

2. A license may be renewed upon application and payment of fees thirty (30) days preceding or following June 30 of each year and not be subject to a late renewal penalty.

3. No penalty for late renewal shall be charged to any holder of a license which expires while the holder is in military service if an application for renewal is made within one (1) year following his service discharge.

B. No journeyman or contractor license shall be renewed unless the licensee has completed the required hours of continuing education by completing a course on the current national electrical code revision, not to exceed six (6) hours of instruction as determined by the Committee and approved by the State Board of Health, within one (1) year of adoption of the current national electrical code revision.

C. Journeyman electrical technician registration certificates expire upon the issuance of a journeyman electrical license pursuant to Section 1685 of this title.

D. An apprentice registration certificate shall be issued for not longer than one (1) year and shall expire August 15, at which time the apprentice may reregister upon meeting the requirements by the State Department of Health.

SECTION 14. AMENDATORY 59 O.S. 1991, Section 1689, as last amended by Section 6, Chapter 293, O.S.L. 1994 (59 O.S. Supp. 1996, Section 1689), is amended to read as follows:

Section 1689. A. The Commissioner and the Committee shall act as the Electrical Hearing Board and shall comply with the provisions of Article II of the Administrative Procedures Act, ~~Section 309 et seq. of Title 75 of the Oklahoma Statutes.~~

B. The Electrical Hearing Board may, upon its own motion, and shall, upon written complaint filed by any person, investigate the business transactions of any electrical contractor, journeyman electrician, journeyman electrical technician or electrical apprentice. The Board shall suspend or revoke any license or registration obtained by false or fraudulent representation. The Board shall also suspend or revoke any license or registration for any of the following:

1. Making a material misstatement in the application for a license or registration, or the renewal of a license or registration;

2. Loaning or illegally using a license;

3. Demonstrating incompetence to act as a journeyman electrician, journeyman electrical technician or electrical contractor;

4. Violating any provisions of the Electrical License Act, or any rule, ~~regulation~~ or order prescribed by the Commission or any ordinance ~~or regulation~~ for the installation of electrical facilities made or enacted by a city or town by authority of the Electrical License Act; or

5. Willfully failing to perform normal business obligations without justifiable cause.

C. Any person whose license or registration has been revoked by the Electrical Hearing Board may apply for a new license one (1) year from the date of such revocation.

D. ~~Notwithstanding any other provision of law, a~~ A political subdivision of this state that has adopted a nationally recognized electrical code and appointed an inspector pursuant to the provisions of Section 1693 ~~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 electrical work done in that political subdivision, subject to the

provisions of the Oklahoma Inspectors Act, ~~Section 1031 et seq. of this title.~~ Provided, a state inspector may work directly with an electrical contractor, journeyman electrician or electrical apprentice in such a locality if a violation of the code creates an immediate threat to life or health.

E. In the case of a complaint about, investigation of, or inspection of any license, registration, permit or electrical work in any political subdivision of this state which has not adopted a nationally recognized electrical code and appointed an inspector pursuant to the provisions of Section 1693 ~~or Section 1031 et seq. of this title~~ or the Oklahoma Inspectors Act for such work, the Commissioner of Health shall have jurisdiction over such matters.

F. 1. No individual, business, company, corporation, association or other entity subject to the provisions of ~~Section 1680 et seq. of this title~~ the Electrical License Act shall install, modify or alter electrical facilities in any incorporated area of this state which has not adopted a nationally recognized electrical code and appointed an inspector pursuant to the provisions of Section 1693 ~~or Section 1031 et seq.~~ of this title or the Oklahoma Inspectors Act for such work without providing notice of such electrical work 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 electrical maintenance or replacement of existing electrical appliances or fixtures or of any petroleum refinery or its research facilities.

3. Enforcement of this subsection is authorized pursuant to ~~Section 1680 et seq. of this title, or under authority granted to the Commissioner of Health~~ the Electrical License Act.

SECTION 15. AMENDATORY 59 O.S. 1991, Section 1850.2, as last amended by Section 8, Chapter 293, O.S.L. 1994 (59 O.S. Supp. 1996, Section 1850.2), is amended to read as follows:

Section 1850.2 As used in the Mechanical Licensing Act:

1. "Air conditioning system" means the process of treating air by controlling its temperature, humidity, and cleanliness, to meet the requirements of a designated area;

2. "Board" means the State Board of Health;

3. "Committee" means the Committee of Mechanical Examiners;

4. "Department" means the Oklahoma State Department of Health;

5. "Gas piping" means and includes all natural gas piping within or adjacent to any building, structure, or conveyance, on the premises and to the connection with a natural gas meter, regulator, or other source of supply;

6. "Heating systems" means and includes systems consisting of air heating appliances from which the heated air is distributed and shall include any accessory apparatus and equipment installed in connection therewith;

7. "Mechanical contractor" or "contractor" means any person engaged in the business of planning, contracting, supervising or furnishing labor or labor and materials for mechanical work;

8. "Mechanical journeyman" or "journeyman" means any person other than a contractor or apprentice who engages in mechanical work;

9. "Mechanical journeyman technician" means any mechanical apprentice who has successfully completed the school or training course for mechanical apprentices recognized by the Commission and has successfully passed the examination required by Section 1850.6 of this title to qualify as a mechanical journeyman;

10. "Mechanical apprentice" or "apprentice" means any person sixteen (16) years of age or older whose principal occupation is

learning mechanical work on the job under the direct supervision of a journeyman or contractor;

~~10.~~ 11. "Mechanical firm" means any corporation, partnership, association, proprietorship or other business entity which plans or engages, or offers to engage, in mechanical work for another within this state;

~~11.~~ 12. "Mechanical work" means the installation, maintenance, repair, or renovation, in whole or in part, of any heating system, cooling system, mechanical refrigeration system or ventilation system or any equipment or piping carrying chilled water, air for ventilation purposes, or natural gas, or the installation, maintenance, repair, or renovation of process piping used to carry any liquid, substance, or material, including steam and hot water used for space heating purposes not under the jurisdiction of the Department of Labor, provided that minor repairs to such systems are excluded;

~~12.~~ 13. "Refrigeration system" means the erection, installation, repairing and servicing of a system employing a fluid which normally is vaporized and liquefied in an air conditioning system, food preservation measure or manufacturing process;

~~13.~~ 14. "Sheet metal" means the erection, installation and repairing of all ferrous or nonferrous duct work and all other materials used in all air conditioning; and

~~14.~~ 15. "Variance and Appeals Board" means the Oklahoma State Mechanical Installation Code Variance and Appeals Board.

SECTION 16. AMENDATORY 59 O.S. 1991, Section 1850.3, is amended to read as follows:

Section 1850.3 The Board shall have the power and duty to:

1. Promulgate, ~~prescribe, amend, and repeal~~ rules and ~~regulations~~ necessary to implement the provisions of the Mechanical Licensing Act including but not limited to defining categories and limitations for such licenses, registration of mechanical journeyman

technicians and apprentices, establishing bonding and insurance requirements precluding municipal requirements;

2. Adopt standards for mechanical work, by reference, published by a recognized code body; and

3. Establish minimum standards of mechanical installations in this state.

SECTION 17. AMENDATORY 59 O.S. 1991, Section 1850.4, as last amended by Section 10, Chapter 293, O.S.L. 1994 (59 O.S. Supp. 1996, 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~~r~~.

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. 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 the examinations for applicants for licenses as a mechanical contractor or journeyman and on all matters relating to the licensing of mechanical contractors and mechanical journeymen and the registering of mechanical journeyman technicians and mechanical apprentices; and

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

SECTION 18. AMENDATORY 59 O.S. 1991, Section 1850.5, as last amended by Section 11, Chapter 293, O.S.L. 1994 (59 O.S. Supp. 1996, Section 1850.5), is amended to read as follows:

Section 1850.5 The Department shall have the power and duty to:

1. Issue, renew, suspend, revoke, modify or deny licenses to engage in mechanical work pursuant to the Mechanical Licensing Act;

2. Register mechanical journeyman technicians;

3. Register apprentices;

~~3.~~ 4. Enter upon public and private property for the purpose of inspecting workers' licenses and mechanical work for compliance with the provisions of the Mechanical Licensing Act and of the rules and regulations of the Board promulgated thereto;

~~4.~~ 5. Employ personnel to conduct investigations and inspections;

~~5.~~ 6. Enforce the standards and rules and regulations promulgated pursuant to the Mechanical Licensing Act;

~~6.~~ 7. Reprimand or place on probation, or both, any holder of a license or registration pursuant to the Mechanical Licensing Act;

~~7.~~ 8. Investigate complaints and hold hearings;

~~8.~~ 9. Initiate disciplinary proceedings, request prosecution of and initiate injunctive proceedings against any person who violates

any of the provisions of this act or any rule promulgated pursuant to ~~this act~~ the Mechanical Licensing Act;

~~9.~~ 10. Establish and levy administrative fines against any person who violates any of the provisions of ~~this act~~ the Mechanical Licensing Act or any rule promulgated pursuant to ~~this act~~ the Mechanical Licensing Act;

~~10.~~ 11. Conduct investigations into the qualifications of applicants for licensure and registration on the request of the Department;

~~11.~~ 12. Develop and administer the examinations approved by the Committee of Mechanical Examiners for applicants for licenses as a mechanical contractor or journeyman; and

~~12.~~ 13. Exercise all incidental powers as necessary and proper to implement and enforce the provisions of the Mechanical Licensing Act and the rules ~~and regulations~~ of the Board promulgated thereto.

SECTION 19. AMENDATORY 59 O.S. 1991, Section 1850.8, as last amended by Section 12, Chapter 293, O.S.L. 1994 (59 O.S. Supp. 1996, 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), and

d. mechanical journeyman technician 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 June 30 of the year following expiration, shall not be renewed until the applicant passes the appropriate examination. Any person issued a mechanical license pursuant to subsection B of this section which expired June 30, 1993, and was not renewed by December 31, 1993, may renew the license without examination through July 30, 1994.

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 20. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1850.9a of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Department, upon proper application and payment of fee, shall register as a mechanical journeyman technician and issue a certificate of such registration to any person who has:

1. Successfully completed the school or training course for mechanical apprentices recognized by the Commission; and

2. Successfully passed the examination required by Section 1850.8 of this title to qualify as a mechanical journeyman.

B. The mechanical journeyman technician may, without supervision of a licensed mechanical journeyman or mechanical contractor, engage in mechanical work pursuant to the conditions and limitations of rules promulgated by the Board with the advice of the Committee. The Committee shall hold public meetings throughout this state to develop criteria for the conditions and limitations of practice for a mechanical journeyman technician to engage in mechanical work which requires supervision and the conditions and limitations of practice for a mechanical journeyman technician to engage in mechanical work which does not require supervision.

C. All registrations shall be nontransferable, and it shall be a misdemeanor for any person licensed under the provisions of the Mechanical License Act to loan or allow the use of such registration by any other person, except as specifically provided in the Mechanical License Act.

D. Mechanical journeyman technician registration certifications expire upon the issuance of a mechanical journeyman license pursuant to Section 1850.8 of this title.

SECTION 21. AMENDATORY 59 O.S. 1991, Section 1850.11, as amended by Section 8, Chapter 236, O.S.L. 1993 (59 O.S. Supp. 1996, Section 1850.11), is amended to read as follows:

Section 1850.11 A. Any mechanical contractor, mechanical journeyman, mechanical journeyman technician, mechanical apprentice or mechanical firm who violates any of the provisions of the Mechanical Licensing Act in addition to suspension or revocation of a license, upon conviction, shall be guilty of a misdemeanor and punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or both such fine and imprisonment together with the costs of prosecution.

B. In addition to other penalties provided by law, if after a hearing in accordance with the provisions of Section 1850.14 of this title, the Mechanical Hearing Board shall find any mechanical contractor, mechanical journeyman, mechanical journeyman technician, mechanical apprentice or mechanical firm to be in violation of any of the provisions of ~~this act~~ the Mechanical Licensing Act, such person or firm may be subject to an administrative fine of not more than Five Hundred Dollars (\$500.00) for each violation. Each day a person or firm is in violation of this act may constitute a separate violation. The maximum fine will not exceed One Thousand Dollars (\$1,000.00). All administrative fines collected pursuant to the provisions of this subsection shall be deposited in the Oklahoma Mechanical Licensing Revolving Fund. Administrative fines imposed pursuant to this subsection shall be enforceable in the district courts of this state.

C. The Mechanical Hearing Board may make application to the appropriate court for an order enjoining the acts or practices prohibited by ~~this act~~ the Mechanical Licensing Act, and upon a showing by the Mechanical Hearing Board that the person or firm has engaged in any of the prohibited acts or practices, an injunction,

restraining order, or other order as may be appropriate shall be granted by the court.

SECTION 22. AMENDATORY 59 O.S. 1991, Section 1850.14, as amended by Section 3, Chapter 251, O.S.L. 1993 (59 O.S. Supp. 1996, Section 1850.14), is amended to read as follows:

Section 1850.14 A. The Department and the Committee shall act as the Mechanical Hearing Board and shall comply with the provisions of Article II of the Administrative Procedures Act, ~~Section 309 et seq. of Title 75 of the Oklahoma Statutes.~~

B. The Mechanical Hearing Board may, upon its own motion, and shall, upon written complaint filed by any person, investigate the business transactions of any mechanical contractor, mechanical journeyman, mechanical journeyman technician, mechanical apprentice or mechanical firm. The Department shall suspend or revoke or may refuse to issue or renew any license or registration under the Mechanical Licensing Act for any of the following:

1. Making a material misstatement in the application for a license or registration, or the renewal of a license or registration;

2. Obtain any license or registration by false or fraudulent representation;

3. Loaning or allowing the use of such license by any other person or illegally using a license;

4. Demonstrating incompetence to act as a mechanical journeyman, mechanical journeyman technician or mechanical contractor;

5. Violating any provisions of the Mechanical Licensing Act, or any rule, ~~regulation~~ or order prescribed by the Board pursuant to the provisions of the Mechanical Licensing Act; or

6. Willfully failing to perform normal business obligations without justifiable cause.

C. Any person whose license or registration has been revoked by the Mechanical Hearing Board may apply for a new license one (1) year from the date of such revocation.

D. ~~Notwithstanding any other provision of law, a~~ A political subdivision of this state that has adopted a nationally recognized mechanical code and appointed an inspector pursuant to Section 1850.12 ~~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 mechanical 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 mechanical contractor, mechanical journeyman, mechanical journeyman technician, mechanical apprentice or mechanical firm in such a locality if a violation of the code creates an immediate threat to life or health.

E. In the case of a complaint about, investigation of, or inspection of any license, registration, permit or mechanical work in any political subdivision of this state which has not adopted a nationally recognized mechanical code and appointed an inspector pursuant to Section 1850.12 ~~or Section 1031 et seq.~~ of this title or the Oklahoma Inspectors Act for such work, the Commissioner of Health shall have jurisdiction over such matters.

F. 1. No individual, business, company, corporation, association or other entity subject to the provisions of ~~Section 1850.1 et seq. of this title~~ the Mechanical Licensing Act shall install, modify or alter mechanical systems in any incorporated area of this state which has not adopted a nationally recognized mechanical code and appointed an inspector pursuant to Section 1850.12 ~~or Section 1031 et seq.~~ of this title or the Oklahoma Inspectors Act for such work without providing notice of such mechanical work 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 minor repair or maintenance performed according to the mechanical equipment manufacturer's instructions or of any petroleum refinery or its research facilities.

3. Enforcement of this subsection is authorized pursuant to ~~Section 1850.1 et seq. of this title, or under authority granted to the Commissioner of Health~~ the Mechanical Licensing Act.

SECTION 23. This act shall become effective November 1, 1997.

Passed the House of Representatives the 4th day of March, 1997.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1997.

President of the Senate