

SHORT TITLE: Plumbing and mechanical trades; providing for licensure of plumbing and mechanical technicians; codification; effective date.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 517

By: Helton

AS INTRODUCED

An Act relating to plumbing and mechanical trades;  
amending 59 O.S. 1991, Sections 1003, as amended by  
Section 2, Chapter 293, O.S.L. 1994, 1005, 1008,  
1014, 1020, 1850.2, as last amended by Section 8,  
Chapter 293, O.S.L. 1994, 1850.6, 1850.8, as last  
amended by Section 12, Chapter 293, O.S.L. 1994,  
1850.10, as amended by Section 2, Chapter 137,  
O.S.L. 1992, 1850.11, as amended by Section 8,  
Chapter 236, O.S.L. 1993, and 1850.14, as amended  
by Section 3, Chapter 251, O.S.L. 1993 (59 O.S.  
Supp. 1996, Sections 1003, 1850.2, 1850.8, 1850.10,  
1850.11 and 1850.14), which relate to licensure of  
plumbers and mechanical journeymen and contractors;  
defining terms; providing for licensure of plumbing  
and mechanical technicians and conforming language;  
providing for fees; stating requirements for  
licensure; making license valid for certain time  
period and nonrenewable; providing for subsequent  
licensure without additional training or  
examination; stating exception; specifying work  
which plumbing and mechanical technicians may do  
and stating restrictions; prohibiting certain act  
and stating penalty; 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 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~~ 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 Board of Health;
4. "Plumbing Hearing Board" means the State Plumbing Hearing Board which shall consist of the State Commissioner of Health as ~~chairman~~ chair, 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 or her 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. "Plumbing technician" means any person who has completed an accredited plumbing trade program in this state at a junior college, college, university, or state or federally funded vocational-technical institution and is licensed pursuant to the provisions of Section 4 of this act;
7. "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,~~ or renovation of plumbing;
- ~~7.~~ 8. "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.~~ 9. "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~~ Section 1001 et seq. of this title as a plumbing contractor, who may operate as an individual, a firm, partnership ~~or,~~ corporation, or other legal entity 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~~ Section 1001 et seq. of this title;

~~9.~~ 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,~~ or 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 2. AMENDATORY 59 O.S. 1991, Section 1005, is amended to read as follows:

Section 1005. ~~(a)~~ A. Examinations shall be uniform and shall be practical in nature but sufficiently strict to test the qualification and fitness of the applicant as a plumbing technician, journeyman plumber, or ~~as a~~ plumbing contractor, as the case may be. It shall be in whole or in part in writing.

~~(b)~~ B. Regular examinations shall be held at least twice each year and special examinations may be fixed by the State Committee of Plumbing Examiners. Any applicant initially failing to pass the examination shall not be permitted to take another examination for a period of thirty (30) days, and thereafter any such applicant subsequently failing to pass the examination shall not be permitted to take a subsequent examination for a period of ninety (90) days.

SECTION 3. 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~~ Section 1001 et seq. of this title by the State Commissioner of Health, ~~to wit:~~

Initial fees

Plumbing Contractor's Examination .....	\$50.00
Journeyman Plumber's <u>and Plumbing Technician's</u> Examination .....	25.00
Plumbing Contractor's License .....	50.00
Journeyman <u>and Plumbing Technician's</u> License .....	15.00

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  
and Plumbing Technician's  
 License ..... 15.00

Penalty for Delayed Renewal

Plumbing Contractor's  
 License ..... 10.00

Journeyman Plumber's  
and Plumbing Technician's  
 License ..... 5.00

SECTION 4. 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. 1. A plumbing technician license shall be granted to  
 persons who have completed a prescribed number of hours of classroom  
 and workshop instruction and appropriate experience under the  
 supervision of a licensed journeyman plumber or plumbing contractor,  
 as determined by rules of the State Board of Health.

2. The license shall be valid for a period of twelve (12)  
 months from the date of issuance. At the end of the twelve-month  
 period, the license shall terminate and shall not be renewed, and  
 the licensee will be qualified to receive a journeyman's license  
 without additional training or examination.

B. In order to be licensed as a plumbing technician, the  
 applicant shall meet the following requirements:

1. Have completed approved course work and training and  
 submitted a certified copy of all grades reflecting instructor and

employer evaluations of the applicant's classroom, workshop, and on-the-job training;

2. Have passed the examination for licensure; and

3. Be employed by a licensed plumbing contractor.

C. 1. A plumbing technician may do the work of a licensed journeyman plumber with the exception of calling in inspections of water, gas, and sewer installations.

2. A plumbing technician must work under the direct supervision of a licensed plumbing contractor or journeyman plumber on all commercial applications.

3. A plumbing technician may work as a journeyman without supervision on residential applications under the following restrictions:

a. the licensee must remain employed by a licensed plumbing contractor, and

b. the employing contractor must conduct six-month and one-year evaluations of the licensee.

D. A plumbing technician may not contract for any plumbing job of any nature. A licensee who violates the provisions of this subsection shall be subject to disciplinary action as provided by rule of the Board.

SECTION 5. AMENDATORY 59 O.S. 1991, Section 1014, is amended to read as follows:

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

SECTION 6. AMENDATORY 59 O.S. 1991, Section 1020, is amended to read as follows:

Section 1020. Nothing in ~~this act~~ Section 1001 et seq. of this title 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~~ Section 1001 et seq. of this title, or any rule ~~or regulation adopted or prescribed promulgated~~ by the State Board of Health ~~through authority of this act~~ pursuant thereto. Each state-licensed master plumber, plumbing contractor, plumbing technician, and journeyman plumber shall be required to register with the plumbing inspector of every city and town in whose jurisdiction he or she operates, and each such city or town is hereby authorized to register such master plumber, plumbing contractor, plumbing technician, and journeyman plumber, to revoke the same, to charge fees for such registration, for permits and for inspections of plumbing and fixtures. ~~Provided, further, that no~~ No master plumber, plumbing contractor, plumbing technician, or journeyman plumber shall be permitted to do business or work in any city or town wherein his or her local registration has been revoked.

SECTION 7. 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 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. "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. "Mechanical technician" means any person who has completed an accredited heating and air conditioning trade program in this state at a junior college, college, university, or state or federally funded vocational-technical institution and is licensed pursuant to the provisions of Section 10 of this act;

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 8. AMENDATORY 59 O.S. 1991, Section 1850.6, is amended to read as follows:

Section 1850.6 A. Examinations for licenses as mechanical contractors, mechanical technicians, or mechanical journeymen shall be uniform and practical in nature for each respective license and shall be sufficiently strict to test the qualifications and fitness of the applicants for licenses. Examinations shall be in whole or in part in writing. The Committee shall conduct examinations quarterly and at such other times as it deems necessary.

B. Any applicant initially failing to pass the examination shall not be permitted to take another examination for a period of thirty (30) days. Any applicant subsequently failing to pass the examination shall not be permitted to take another examination for a period of ninety (90) days.

SECTION 9. 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 and Section 10 of this act, the Department shall issue a license as a mechanical journeyman, mechanical technician, 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 and mechanical technician Twenty-five Dollars (\$25.00), and
- c. apprentice registration Ten Dollars (\$10.00).

B. The Department shall license without examination any person who can demonstrate to the Committee that ~~such~~ the 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~~ Except as provided in Section 10 of this act, 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~~ the Mechanical Licensing 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 10. 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. 1. A mechanical technician license shall be granted to persons who have completed a prescribed number of hours of classroom and workshop instruction and appropriate experience under the supervision of a licensed mechanical journeyman or mechanical contractor, as determined by rules of the State Board of Health.

2. a. The license shall be valid for a period of twelve (12) months from the date of issuance. At the end of the twelve-month period, the license will terminate and shall not be renewed, and the licensee will be qualified to receive a journeyman's license without additional training or examination, except as provided in subparagraph b of this paragraph.

b. Within the twelve-month period specified in subparagraph a of this paragraph, the licensee must complete U.S. Environmental Protection Agency requirements for certification to purchase, recover, reclaim, and recycle refrigerants.

B. In order to be licensed as a mechanical technician, the applicant shall meet the following requirements:

1. Have completed approved course work and training and submitted a certified copy of all grades reflecting instructor and employer evaluations of the applicant's classroom, workshop, and on-the-job training;
2. Have passed the examination for licensure; and
3. Be employed by a licensed mechanical contractor.

C. 1. A mechanical technician may install duct work and gas piping, and may install new and repair existing heating and air condition equipment, subject to restrictions of the license.

2. A mechanical technician must work under the direct supervision of a licensed mechanical contractor or mechanical journeyman on all commercial applications.

3. A mechanical technician may work as a journeyman without supervision on residential applications under the following restrictions:

- a. the licensee must remain employed by a licensed mechanical contractor, and
- b. the employing contractor must conduct six-month and one-year evaluations of the licensee.

D. A mechanical technician may not contract for any mechanical work of any nature. A licensee who violates the provisions of this subsection shall be subject to disciplinary action as provided by rule of the Board.

SECTION 11. AMENDATORY 59 O.S. 1991, Section 1850.10, as amended by Section 2, Chapter 137, O.S.L. 1992 (59 O.S. Supp. 1996, Section 1850.10), is amended to read as follows:

Section 1850.10 A. No person shall install, replace, or repair gas piping unless ~~such~~ the person is licensed under the Mechanical Licensing Act or is licensed as a plumbing contractor, plumbing

technician, or journeyman plumber pursuant to the laws of this state.

B. The Mechanical Licensing Act shall not apply to:

1. A person who is the property owner of record, or his or her authorized representative, when performing minor repair which shall include, but not be limited to, cleaning, adjusting, calibrating and repair of mechanical system parts and the replacement of fuses and room thermostats, and other minor repairs which shall not include any repair which could violate the safe operation of the equipment;

2. The installation of portable, self-contained, ductless air conditioners or heaters;

3. The setting or connecting of detached air conditioning units which utilize flexible ductwork on a manufactured home. The term manufactured home shall have the same definition as such term is defined in Section 1102 of Title 47 of the Oklahoma Statutes;

4. Any permanent employee of a manufacturing facility, whether owned or leased, while performing mechanical work on the premises of ~~such~~ the facility. The performance of such mechanical work authorized by this paragraph shall not violate any manufacturer specification or compromise any health or safety standards and practices in accordance with state and federal regulations;

5. The service, repair, and installation of boilers, pressure vessels, and welded steam lines which are subject to the jurisdiction of the Commissioner of Labor pursuant to the provisions of Sections 141.1 through 141.18 of Title 40 of the Oklahoma Statutes; or

6. Employees of state-owned institutions doing maintenance to state-owned facilities which does not violate manufacturer specifications nor compromise health or safety standards and practices.

C. The licensing requirements of the Mechanical Licensing Act shall not apply to public utilities, public service corporations,

intrastate gas pipeline companies, gas gathering pipeline companies, gas processing companies, rural electric associations, or municipal utilities and their subsidiaries during work on their own facilities or during the performance of energy audits, operational inspections, minor maintenance, or minor repairs for their customers or on their own equipment.

D. The licensing requirements of the Mechanical Licensing Act shall not apply to employees of chemical plants, gas processing plants, and petroleum refineries during work on their own facilities or during the performance of operational inspections, mechanical work, maintenance, or repairs on their own equipment, the performance of which does not violate any manufacturer specification or compromise any health or safety standards and practices in accordance with state and federal regulations.

E. The licensing requirements of the Mechanical Licensing Act shall not apply to employees of research facilities during work on their own facilities or during the performance of operational inspections, mechanical work, maintenance, or repairs on their own equipment used solely for research purposes when such items of equipment require one or more details of construction not covered by normally used national codes and standards or which involve destruction or reduce life of the equipment and systems.

SECTION 12. 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 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 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~~ the Mechanical Licensing 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, 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 13. 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 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 technician, or mechanical contractor;

5. Violating any provisions of the Mechanical Licensing Act, or any rule, ~~regulation~~ promulgated 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~~ the revocation.

D. Notwithstanding any other provision of law, 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 for such work shall have jurisdiction over the interpretation of ~~said~~ the 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~~ this title. Provided, a state inspector may work directly with a mechanical contractor, mechanical journeyman, mechanical 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 for such work, the Commissioner of Health shall have jurisdiction over such matters.

F. 1. No individual, business, company, corporation, association, or other legal entity subject to the provisions of Section 1850.1 et seq. of this title 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 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.

SECTION 14. This act shall become effective November 1, 1997.

46-1-0307

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