

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 188

By: Haney and Hobson of the
Senate

and

Settle and Begley of the
House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to professions and occupations; creating Home Inspection Practice Act; providing short title; defining terms; requiring licensing of home inspectors; providing exceptions; creating Committee of Home Inspectors under State Department of Health; providing for number of members, terms of office, qualifications, appointment, removal, and filling of vacancies; requiring advice and consent of the Senate; providing for organization, meetings, quorum, staff support, and record-keeping; stating powers and duties; authorizing reimbursement pursuant to the State Travel Reimbursement Act; creating revolving fund; authorizing employment of personnel; stating purpose for which funds may be expended; requiring approval of school; authorizing fees; stating requirements for license; providing application procedures; providing for appeal; providing for examination and examination fee; requiring bond; providing rule-making authority; providing for license renewal; requiring continuing education; making violation of act a misdemeanor; providing for penalty; providing for actions to enjoin or restrain certain conduct; authorizing committee to impose sanctions for good cause; stating grounds establishing good cause; authorizing administrative fines; authorizing revocation of license in addition to penalties or civil actions; amending 59 O.S. 1991, Section 1003, as amended by Section 2, Chapter 293, O.S.L. 1994, 1008, 1013, 1682, as last amended by Section 1, Chapter 320, O.S.L. 1998, 1687, as amended by Section 4, Chapter 155, O.S.L. 1994, 1688, as amended by Section 5, Chapter 155, O.S.L. 1994, 1850.2, as last amended by Section 8, Chapter 293, O.S.L. 1994, 1850.8, as last amended by Section 12, Chapter 293, O.S.L. 1994, and 1850.9 (59 O.S. Supp. 1998, Sections 1003, 1682, 1687, 1688, 1850.2, and 1850.8), which relate to The Plumbing License Law of 1955, the Electrical License Act, and the Mechanical Licensing Act; defining terms; stating requirements for issuance of and date of expiration of temporary journeyman licenses; providing for construction of statutory language; increasing apprentice registration fees; changing expiration dates of apprentice certificates and

providing for renewal thereof upon payment of fee; disapproving portion of OAC 310:245-7-2(a), which relates to residential electrical licenses, and directing State Board of Health adopt rules not containing the disapproved or similar language; changing limit on hours of continuing education from a maximum to a minimum limit; deleting obsolete provisions; clarifying references; eliminating gender discrimination language; providing for codification; providing for noncodification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 858-621 of Title 59, unless there is created a duplication in numbering, reads as follows:

Sections 1 through 13 of this act shall be known and may be cited as the "Home Inspection Practice Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 858-622 of Title 59, unless there is created a duplication in numbering, reads as follows:

As used in the Home Inspection Practice Act:

1. "Commission" means the State Commission of Health;
2. "Committee" means the Committee of Home Inspectors;
3. "Department" means the State Department of Health;
4. "Home inspection" means an examination of improvements to real property, including structural and mechanical components and systems, consisting of at least one but not more than four residential dwelling units;
5. "Home inspection report" means a written opinion of the functional and physical condition of improvements to real property; and
6. "Home inspector" means a person who, for compensation, conducts home inspections.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 858-623 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. On and after September 1, 1999, it shall be unlawful for persons to conduct, for compensation, a home inspection or to advertise or otherwise hold themselves out to be in the business of home inspection in this state unless licensed under the Home Inspection Practice Act.

B. The Home Inspection Practice Act shall not apply to:

1. Persons inspecting new residential construction;

2. Plumbing contractors, electrical contractors, mechanical contractors, or roofers, or their employees, or pest control employees, if their inspection is limited to work performed and if they do not advertise or otherwise hold themselves out to be in the business of home inspection;

3. Engineers who are licensed in this state or who hold a license deemed essentially equivalent by the Committee of Home Inspectors;

4. Government employees who perform inspections when acting within the scope of their employment; or

5. Persons who improve or maintain improvements to real property if they do not advertise or otherwise hold themselves out to be in the business of home inspection.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 858-624 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. There is hereby established the Committee of Home Inspectors which shall consist of five (5) members who have been residents of this state for at least three (3) years prior to their appointment. Each member shall be appointed by the Governor with the advice and consent of the Senate.

B. Of these members, two shall be licensed home inspectors who are active full time in the home inspection business; one shall be an approved home inspection school instructor who is employed full time as a home inspection instructor; one shall be a licensed real estate broker who is employed full time in the real estate brokerage business; and one shall be a lay person who is not a real estate broker, home inspector, or a residential landlord. No more than two members shall be appointed from the same congressional district.

C. Initially, two members shall be appointed for a term to expire June 30, 2001; two members shall be appointed for a term to expire June 30, 2002; and one member shall be appointed for a term to expire June 30, 2003. Thereafter, all terms shall be for three (3) years ending June 30. The initial home inspector and home inspection school instructor appointees shall not be required to meet the licensure and approval requirements set forth in subsection B of this section in order to qualify for initial appointment.

D. Members of the Committee shall serve until their successors are appointed and qualified. Vacancies shall be filled for the balance of an unexpired term by appointment by the Governor with the advice and consent of the Senate. Members of the Committee may be removed from office in the manner provided by law for the removal of officers not subject to impeachment.

E. The members of the Committee shall organize annually and elect a chair and vice-chair. The chair, and in the chair's absence, the vice-chair, shall preside at all meetings of the Committee and shall perform such duties as the Committee, by its rules, shall prescribe. The Committee shall meet at least semiannually, and special meetings may be called by the chair or by the State Commissioner of Health. Three members shall constitute a quorum. The State Department of Health shall provide staff assistance to the Committee and shall keep a complete and permanent record of all proceedings of the Committee.

F. Members of the Committee shall serve without compensation but shall be entitled to reimbursement for all actual and necessary expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 858-625 of Title 59, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Home Inspection Act Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Home Inspection Practice Act. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the State Department of Health for implementation, administration, and enforcement of provisions of the Home Inspection Practice Act. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 858-626 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Committee of Home Inspectors shall have the following powers and duties:

1. To promulgate rules consistent with this act and make such orders as it may deem necessary or expedient in the performance of its duties, including, but not limited to, the following:

- a. qualifications and examinations for licensure for home inspectors,
- b. reinstatement of license for failure to meet license renewal requirements,

- c. license activities to include standards of practice and prohibited acts,
- d. regulatory proceedings to include investigation and administrative hearings, and
- e. approval of schools, educational course content, instructors, and organizations offering courses of study for home inspection, and standards required for instructors, schools, and organizations to remain approved;

2. Upon a showing of good cause as provided for in this act, to discipline licensees, approved instructors, approved schools, and approved educational organizations by:

- a. reprimand,
- b. probation for a specified period of time,
- c. requiring education in addition to the educational requirements provided for licensure or continuing education,
- d. suspension of licenses and approvals,
- e. revoking or rescinding licenses and approvals,
- f. administrative fines as provided for in this act, or
- g. any combination of disciplinary measures as provided by this paragraph;

3. Upon a showing of good cause, to modify any sanction imposed pursuant to the provisions of this act; and

4. To apply for injunctions and restraining orders for violations of this act or the rules of the Committee and to cause the prosecution of any person who violates any of the provisions of this act or the rules of the Committee.

B. In the exercise of all powers and the performance of all duties provided in this act, the Committee shall comply with the Administrative Procedures Act, the Oklahoma Open Meeting Act, and the Oklahoma Open Records Act.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 858-627 of Title 59, unless there is created a duplication in numbering, reads as follows:

Each school of home inspection, whether public or private, must present to the Committee of Home Inspectors its syllabus of instruction prior to Committee approval of the school. The Committee is hereby authorized to establish fees for review and approval of educational programs, courses, instructors, and facilities.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 858-628 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Any person of good moral character, eighteen (18) years of age or older, who has successfully completed forty-five (45) clock hours of home inspection training or its equivalent as determined by the Committee of Home Inspectors in an educational program or course approved by the Committee, may apply to the State Department of Health to take a home inspector examination. Application shall be made on forms prescribed by the Committee, shall contain information as required by the Committee, and shall be accompanied by evidence of successful completion of the required training.

B. If, from the application filed, answers to inquiries, complaints or information received, or investigation, it appears to the Committee that the applicant is not qualified, the Department shall refuse to approve the application and shall give notice of that fact to the applicant. The applicant may appeal refusal to approve an application by delivering a written request for reconsideration to the State Commissioner of Health within thirty (30) days after receipt of notice of refusal.

C. Upon approval by the Department of the application and payment of an examination fee of One Hundred Fifty Dollars

(\$150.00), the applicant shall appear in person for an examination on the subjects prescribed by the Committee.

D. If it is determined that the applicant has successfully passed the examination or an equivalent examination as determined by the Committee, upon the payment of the license fee and submission of other documents as required by this act and rules promulgated pursuant to this act, the Department shall issue to the applicant a license which shall authorize the applicant to perform home inspections.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 858-629 of Title 59, unless there is created a duplication in numbering, reads as follows:

To be licensed as a home inspector, or to renew or reactivate a license, an applicant must submit to the State Department of Health documents and fees, as required by the Committee of Home Inspectors, and a bond in an amount not to exceed Fifty Thousand Dollars (\$50,000.00), as set by rule of the Committee.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 858-630 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The license term for a home inspector shall be for one (1) year. The expiration date of the license shall be the end of twelve months including the month of issuance. The license fee and each renewal or reactivation thereafter shall be Two Hundred Dollars (\$200.00), payable in advance, which shall not be refundable.

B. As a condition of license renewal or reactivation, each home inspector shall submit to the Committee of Home Inspectors or its representative evidence of attendance of six (6) clock hours of continuing education courses, approved by the Committee of Home Inspectors, within the twelve (12) months immediately preceding the term for which the license is to be issued. The State Department of Health shall not issue a renewal license or reactivate a license

unless the continuing education requirement set forth in this section is satisfied within the prescribed time period.

C. Any licensee who fails to renew before the license expiration date shall be required to submit to such additional requirements or penalties, or both, as the Committee may require.

D. The Department may place a home inspector's license on inactive status when a licensee's request is accompanied by sufficient reason; however, such status shall not relieve the licensee from paying the required fees. Continuing education shall not be required during the period a license is on inactive status; however, before the license can be placed on an active status, the licensee shall be required to complete the continuing education requirement for the term of the license.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 858-631 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. In addition to any other penalties provided by law, any person performing home inspections without a license pursuant to the Home Inspection Practice Act, upon conviction, shall be guilty of a misdemeanor, punishable by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.

B. In addition to any civil or criminal actions authorized by law, the State Commissioner of Health, the Attorney General, or a district attorney may apply to the district court in the county in which a violation of this act has allegedly occurred for an order enjoining or restraining the unlicensed person from continuing the acts specified in the complaint. The court may grant any temporary or permanent injunction or restraining order, without bond, as it deems just and proper.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 858-632 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Committee of Home Inspectors may, upon its own motion, and shall upon written complaint filed by any person, investigate the business activities of any home inspector, and may, upon a showing of good cause, impose sanctions as provided in this act.

B. Good cause shall be established upon showing that any licensee has performed, is performing, has attempted to perform, or is attempting to perform any of the following acts:

1. Making a materially false or fraudulent statement in an application for a license;

2. Having been convicted in a court of competent jurisdiction of forgery, fraud, conspiracy to defraud, or any similar offense, or pleading guilty or nolo contendere to any such offense;

3. Falsifying or failing to disclose a material defect in a home inspection report;

4. Failing to perform a home inspection report in accordance with this act and the rules promulgated pursuant to this act;

5. Compensating any person for performing the services of a home inspector or lending a license to any person who has not first secured a home inspector's license pursuant to this act;

6. Giving or receiving compensation for recommending, referring, or otherwise inducing a client to contract with a home inspector;

7. Performing repair or maintenance work, or receiving compensation from a company regularly engaged in home repair work, on a residential property that the home inspector inspected within one (1) year from the date of the inspection;

8. Accepting compensation from more than one client for a single home inspection without the written consent of all clients who are paying a fee for that home inspection;

9. Except as provided in paragraph 13 of this subsection, disclosing the results of a home inspection to any person other than the client, without the client's written consent;

10. Failing to disclose to the client any conflict of interest of which the inspector knows or should have known that may adversely affect the client;

11. Failing within ten (10) calendar days to submit a written home inspection report to the customer when compensation has been paid to the home inspector;

12. The payment of any fees or amounts due the State Department of Health with a check that is dishonored upon presentation to the financial institution on which it is drawn;

13. Failing, upon demand in writing, to disclose any information within the licensee's knowledge or to produce any document in a licensee's possession or under a licensee's control that relates to home inspections for inspection by a representative of the State Department of Health, law enforcement agency, or a court of law; or

14. Disregarding or violating any provision of this act.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 858-633 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Committee of Home Inspectors may impose administrative fines on any licensee licensed pursuant to the Home Inspection Practice Act. Fines may be imposed as follows:

1. Any administrative fine imposed as a result of a violation of the Home Inspection Practice Act or rules of the Committee of Home Inspectors shall not:

- a. be less than One Hundred Dollars (\$100.00) and shall not exceed Two Thousand Dollars (\$2,000.00) for each violation of this act or the rules of the Committee, or

b. exceed Five Thousand Dollars (\$5,000.00) for all violations resulting from a single inspection;

2. All administrative fines shall be paid within thirty (30) days of written notification of the licensee of the Committee's order imposing the administrative fines or, if the licensee appeals the fine to the State Commissioner of Health, within thirty (30) days of a decision by the Commissioner in favor of the Committee's action;

3. The license may be suspended until any fine imposed upon the licensee is paid; and

4. If fines are not paid in full by the licensee as required by this subsection, the license shall automatically be rescinded.

B. The administrative fines authorized by this section may be in addition to any other criminal penalties or civil actions provided for by law.

SECTION 14. AMENDATORY 59 O.S. 1991, Section 1003, as amended by Section 2, Chapter 293, O.S.L. 1994 (59 O.S. Supp. 1998, 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~~ 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~~ older 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. "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. "Temporary journeyman plumber" means any person other than a person permanently licensed as a journeyman plumber, master plumber, or plumbing contractor in this state who meets the temporary licensure requirements of Section 15 of this act;

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" as herein defined;

~~8.~~ 9. "Plumbing contractor" means, and is hereby defined to be, any person who is skilled in the planning, superintending and practical installation of plumbing and who 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 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 plumbing, or furnish labor ~~and/or labor and~~ or materials or both for~~7~~ the installation, repair, maintenance, or renovation of plumbing~~7~~ according to the requirements of this act;

~~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 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 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1006.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Within one (1) year of the date the Governor of this state declares a state of emergency in response to a disaster involving the destruction of dwelling units, the State Commissioner of Health shall issue a distinctively colored, nonrenewable, temporary journeyman plumber license which shall expire one (1) year after the date of the declaration to any person who:

1. Is currently licensed as a journeyman plumber or the equivalent, as determined by the Commissioner, by another state and pays, within ten (10) days of beginning journeyman plumber's work in this state, a temporary journeyman plumber's license fee of Twenty-five Dollars (\$25.00); or

2. Is currently licensed as a journeyman plumber or the equivalent by a political subdivision of another state and who:

- a. submits, within ten (10) days of beginning journeyman plumber's work in this state, an application and fee for a journeyman plumber's examination,

- b. takes and passes the examination at the first opportunity thereafter offered by the Commissioner, and
- c. pays a temporary journeyman plumber's license fee of Twenty-five Dollars (\$25.00)

B. Nothing in this section shall be construed as prohibiting any person from qualifying at any time for any other license by meeting the requirements for the other license.

SECTION 16. 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~~ The Plumbing License Law of 1955 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

Apprentice Registration

Fee ~~10.00~~ 15.00

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

Plumbing Contractor's

License 50.00

Journeyman Plumber's

License 15.00

Apprentice Registration

Fee 15.00

Penalty for Delayed Renewal

Plumbing Contractor's

License 10.00

Journeyman Plumber's

License 5.00

SECTION 17. AMENDATORY 59 O.S. 1991, Section 1013, is amended to read as follows:

Section 1013. The State Commissioner of Health shall, upon proper application and payment of fee, register as a plumber's apprentice, and shall issue a certificate of ~~such~~ registration to, ~~such~~ a person or persons who furnish proof satisfactory to the Commissioner that he, she, or they are sixteen (16) years of age or ~~over~~ older and are enrolled in a recognized school or training course for plumber apprentices, or have arranged for employment as a plumber's apprentice with a licensed plumbing contractor.

~~Certificate~~ The certificate of an apprentice shall expire at the end of ~~four (4) years~~ one (1) year from date of issuance, at which time the Commissioner may issue a ~~new~~ renewal certificate upon payment of the renewal fee.

SECTION 18. AMENDATORY 59 O.S. 1991, Section 1682, as last amended by Section 1, Chapter 320, O.S.L. 1998 (59 O.S. Supp. 1998, 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 or electrical construction work unless specifically exempted by the provisions of the Electrical License Act;

7. "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 or electrical construction work according to the provisions of the Electrical License Act;

8. "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. "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;

10. "Temporary journeyman electrician" means any person other than a person permanently licensed as a journeyman electrician or electrical contractor in this state who meets the temporary licensure requirements of Section 19 of this act;

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

~~11.~~ 12. "Electrical construction work" means installation, fabrication or assembly of equipment or systems included in "premises wiring" as defined in the 1996 edition of the National Electrical Code, which is hereby adopted and incorporated by reference. Electrical construction work includes, but is not limited to, installation of raceway systems used for any electrical purposes, and installation of field-assembled systems such as ice and snow melting, pipe-tracing, and manufactured wiring systems. Electrical construction work shall not include in-plant work performed by employees of the company owning the plant, work performed by telecommunications employees for telecommunications companies, or installation of factory-assembled appliances or machinery which is not part of the premises wiring unless wiring interconnections external to the equipment are required in the field.

SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1685.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Within one (1) year of the date the Governor of this state declares a state of emergency in response to a disaster involving the destruction of dwelling units, the State Commissioner of Health shall issue a distinctively colored, nonrenewable, temporary journeyman electrician license which shall expire one (1) year after the date of declaration to any person who:

1. Is currently licensed as a journeyman electrician or the equivalent, as determined by the Commissioner, by another state and pays, within ten (10) days of beginning journeyman electrician's work in this state, a temporary journeyman electrician's license fee of Twenty-five Dollars (\$25.00); or

2. Is currently licensed as a journeyman electrician or the equivalent by a political subdivision of another state and who:

- a. submits, within ten (10) days of beginning journeyman electrician's work in this state, an application and fee for a journeyman electrician's examination,
- b. takes and passes the examination at the first opportunity thereafter offered by the Commissioner, and
- c. pays a temporary journeyman electrician's license fee of Twenty-five Dollars (\$25.00).

B. Nothing in this section shall be construed as prohibiting any person from qualifying at any time for any other license by meeting the requirements for the other license.

SECTION 20. AMENDATORY 59 O.S. 1991, Section 1687, as amended by Section 4, Chapter 155, O.S.L. 1994 (59 O.S. Supp. 1998, 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
Electrical Apprentice Registration Fee.....	\$5.00 <u>\$15.00</u>

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 <u>\$15.00</u>

Penalty for Late License Renewal:

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

SECTION 21. AMENDATORY 59 O.S. 1991, Section 1688, as amended by Section 5, Chapter 155, O.S.L. 1994 (59 O.S. Supp. 1998, Section 1688), is amended to read as follows:

Section 1688. A. No license shall be issued for longer than one (1) year and all licenses shall expire on June 30 of each year. 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. 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 or her 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~~ of not less than 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. 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~~ of the State Department of Health and paying the renewal fee.

SECTION 22. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

The Legislature, having reserved the right to disapprove any rule or any portion thereof at any time, hereby disapproves that portion of OAC 310:245-7-2(a) which reads "except to cities and towns with a population of 4,000 or more" and directs that the State Department of Health amend the rule to delete that language and not include any other expression of that concept.

SECTION 23. AMENDATORY 59 O.S. 1991, Section 1850.2, as last amended by Section 8, Chapter 293, O.S.L. 1994 (59 O.S. Supp. 1998, 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 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~~ other than minor repairs to such systems ~~are excluded~~;

12. "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. "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. "Temporary mechanical journeyman" means any person other than a person permanently licensed as a mechanical journeyman or contractor in this state who meets the temporary licensure requirements of Section 25 of this act; and

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

SECTION 24. AMENDATORY 59 O.S. 1991, Section 1850.8, as last amended by Section 12, Chapter 293, O.S.L. 1994 (59 O.S. Supp. 1998, 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 State Department of Health shall issue a license as a mechanical journeyman or mechanical contractor to any person who:

1. Has been certified by the Committee of Mechanical Examiners 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)~~ Fifteen Dollars (\$15.00), and
- d. apprentice registration renewal Fifteen Dollars (\$15.00).

~~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. C.~~ The Department is authorized to establish, upon approval by the State Board of Health, 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 25. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1850.8A of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Within (1) one year of the date the Governor of this state declares a state of emergency in response to a disaster involving the destruction of dwelling units, the State Commissioner of Health shall issue a distinctively colored, nonrenewable, temporary mechanical journeyman license which shall expire one (1) year after the date of declaration to any person who:

1. Is currently licensed as a mechanical journeyman or the equivalent, as determined by the Commissioner, in another state and pays, within ten (10) days of beginning mechanical journeyman's work in this state, a temporary mechanical journeyman's license fee of Twenty-five Dollars (\$25.00); or

2. Is currently licensed as a mechanical journeyman or equivalent by a political subdivision of another state and who:

a. submits, within ten (10) days of beginning mechanical journeyman's work in this state, an application and fee for a mechanical journeyman's examination,

- b. takes and passes the examination at the first opportunity thereafter offered by the Commissioner, and
- c. pays a temporary mechanical journeyman's license fee of Twenty-five Dollars (\$25.00).

B. Nothing in this section shall be construed as prohibiting any person from qualifying at any time for any other license by meeting the requirements for the other license.

SECTION 26. AMENDATORY 59 O.S. 1991, Section 1850.9, is amended to read as follows:

Section 1850.9 A. The State Department of Health, upon proper application and payment of an apprentice registration fee, shall register as a mechanical apprentice and issue a certificate of such registration to any person who furnishes satisfactory proof to the Department that the applicant is:

1. Sixteen (16) years of age or ~~over~~ older; and
2. Enrolled in a school or training course for mechanical apprentices recognized by the Department, or has arranged for employment as a mechanical apprentice with a licensed mechanical contractor.

B. Apprentice registration certificates shall expire ~~four (4)~~ years one (1) year after date of registration, at which time the apprentice may reregister and receive, upon payment of the apprentice registration renewal fee, a renewal certificate.

SECTION 27. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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