

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

2ND CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 379

By: Shurden of the Senate

and

Gray of the House

2ND CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to professions and occupations; 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; directing State Department of Health to offer temporary journeyman license examinations at least once every thirty days for at least six months following declaration of emergency; prescribing level of examination difficulty; prohibiting extension or renewal of license; prohibiting work after expiration of license unless otherwise qualified; 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. 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 2 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, the installation, repair, maintenance, or renovation of plumbing, 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 2. 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 is currently licensed as a journeyman plumber by another state and who:

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

2. Takes and passes the examination at the first opportunity thereafter offered by the Commissioner; and

3. 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 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~~ 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 4. 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 5. 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 6 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 6. 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 is currently licensed as a journeyman electrician by another state and who:

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

2. Takes and passes the examination at the first opportunity thereafter offered by the Commissioner; and

3. 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 7. 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 8. 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 9. 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 10. 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 12 of this act; and

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

SECTION 11. 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 12. 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 is currently licensed as a mechanical journeyman by another state and who:

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

2. Takes and passes the examination at the first opportunity thereafter offered by the Commissioner; and

3. 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 13. 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 ~~ever~~ 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 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1860 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The State Department of Health shall offer examinations for temporary journeyman plumber, temporary journeyman electrician, and temporary mechanical journeyman at least once every thirty (30) days following a declaration by the Governor of this state of a state of emergency in response to a disaster involving the destruction of dwelling units and shall continue do so for at least six (6) months following the declaration.

B. The temporary journeyman examinations shall be neither less stringent nor more stringent than examinations for regular journeyman licenses in this state.

C. No applicant for any temporary journeyman license shall be allowed more than one opportunity to take the temporary journeyman examination.

D. No temporary journeyman license shall be extended or renewed. Upon expiration of the temporary journeyman license, the license holder shall be ineligible to work as a journeyman in this state unless qualified under other provisions of law.

SECTION 15. 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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