STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

SENATE BILL 1234 By: Snyder

AS INTRODUCED

An Act relating to professions and occupations; providing short title; creating the Construction Industries Commission; stating regulatory authority over certain trades; providing for membership, appointments, advice and consent, qualifications, terms of office, vacancies and removal from office; providing for meetings, quorum, officers and duties; requiring compliance with certain acts; requiring members and certain employees be bonded; clarifying liability of members and providing for reimbursement of certain expenses; stating powers and duties; providing for promulgation of rules and making certain former rules, orders and actions valid until certain action by Commission; stating additional powers and authority; providing for transfer of certain powers, duties, responsibilities, records, fund balances, encumbrances and obligations; limiting certain expenditures; amending 59 O.S. 1991, Sections 1002, as amended by Section 1, Chapter 236, O.S.L. 1993, Section 1, Chapter 293, O.S.L. 1994, 1003, as last amended by Section 1, Chapter 405, O.S.L. 1999, 1004, as amended by Section 1, Chapter 63, O.S.L. 1996, 1006, Section 2, Chapter 405, O.S.L. 1999, 1007, 1008, as amended by Section 3, Chapter 405, O.S.L. 1999, 1010, as last amended by Section 1, Chapter 353, O.S.L. 1997, Section 3, Chapter 236, O.S.L. 1993, 1011, 1013, as amended by Section 4, Chapter 405, O.S.L. 1999, 1014, 1018, as amended by Section 2, Chapter 236, O.S.L. 1993, 1020, Section 3, Chapter 293, O.S.L. 1994, 1032, 1033, 1034, 1035, 1036, as amended by Section 2, Chapter 9, O.S.L. 1995, 1037, 1039, 1041, 1042, 1044, 1681, as last amended by Section 1, Chapter 155, O.S.L. 1994, Section 4, Chapter 293, O.S.L. 1994, 1682, as last amended by Section 5, Chapter 405, O.S.L. 1999, 1683, as last amended by Section 3, Chapter 318, O.S.L. 1996, 1685, Section 6, Chapter 405, O.S.L. 1999, 1686, 1688, as last amended by Section 8, Chapter 405, O.S.L. 1999, 1689, as last amended by Section 4, Chapter 353, O.S.L. 1997, 1691, 1694, as last amended by Section 7, Chapter 155, O.S.L. 1994, 1696, as amended by Section 9, Chapter 155, O.S.L. 1994, Section 7, Chapter 293, O.S.L. 1994, 1800.1, 1800.2, as last amended by Section 1, Chapter 174, O.S.L. 1998, 1800.4, 1800.5, as amended by Section 2, Chapter 295, O.S.L. 1993, 1800.6, 1800.7, 1800.8, as amended by Section 3, Chapter 295, O.S.L. 1993, 1800.9, 1800.10, as amended by Section 4, Chapter 295, O.S.L. 1993, 1800.13, 1800.14, 1800.16, as amended by Section 1, Chapter 330, O.S.L. 1996, Section 2, Chapter 330, O.S.L. 1996, 1850.1, 1850.2,

as last amended by Section 10, Chapter 405, O.S.L. 1999, 1850.3, Section 9, Chapter 293, O.S.L. 1994, 1850.4 and 1850.5, as last amended by Sections 10 and 11, Chapter 293, O.S.L. 1994, 1850.7, 1850.8, as last amended by Section 11, Chapter 405, O.S.L. 1999, 1850.9, as amended by Section 13, Chapter 405, O.S.L. 1999, 1850.13, as amended by Section 9, Chapter 236, O.S.L. 1993, 1850.14, as amended by Section 3, Chapter 251, O.S.L. 1993, Section 13, Chapter 293, O.S.L. 1994, and Section 14, Chapter 405, O.S.L. 1999 (59 O.S. Supp. 1999, Sections 1002, 1002.1, 1003, 1004, 1006.1, 1008, 1010, 1010.1, 1013, 1018, 1021.1, 1036, 1681, 1681.1, 1682, 1683, 1685.1, 1688, 1689, 1694, 1696, 1697, 1800.2, 1800.5, 1800.8, 1800.10, 1800.16, 1800.17, 1850.2, 1850.3a, 1850.4, 1850.5, 1850.8, 1850.9, 1850.13, 1850.14, 1850.16, and 1860), which relate to licensure and regulation of plumbing, electrical, alarm industry and mechanical trades and building and construction inspectors; modifying language to conform with transfer of regulatory authority over such trades from the State Board of Health to Construction Industries Commission; deleting obsolete language; clarifying language and certain references; modifying appointing authority and providing for continuation of service of certain committee members; modifying gender references; making certain provisions consistent with Administrative Procedures Act; providing for appointment of, and sources of funds for payment of, an Interim Executive Director; providing for codification; providing for noncodification; providing effective dates; 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 1000.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

Sections 1 through 5 of this act shall be known and may be cited as the "Construction Industries Commission Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1000.2 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Construction Industries Commission is hereby created to continue until July 1, 2006, in accordance with the provisions of the Oklahoma Sunset Law. Beginning January 1, 2001, the Commission shall regulate the plumbing, electrical, mechanical and alarm

industry and building and construction inspectors through the powers and duties set forth in this act and in the respective licensing acts for such trades, namely Section 1001 et seq., Section 1031 et seq., Section 1680 et seq., Section 1800.1 et seq. and Section 1850.1 et seq. of Title 59 of the Oklahoma Statutes. In addition the Commission shall regulate persons in the business of installing automatic water sprinkler systems in residential and commercial buildings.

B. 1. The Commission shall be composed of twelve (12) voting members appointed by the Governor with the advice and consent of the Senate, as follows:

a. two members shall have at least ten (10) years' experience in the plumbing trade, of which one shall be a plumbing contractor and one shall be a journeyman plumber,

b. two members shall have at least ten (10) years' experience in the electrical trade, of which one shall be an electrical contractor and one shall be a journeyman electrician,

c. two members shall have at least ten (10) years' experience in the mechanical trade, of which one shall be a mechanical contractor and one shall be a mechanical journeyman,

d. one member shall have at least ten (10) years' experience as a contractor in the alarm industry pursuant to Section 1800.1 et seq. of Title 59 of the Oklahoma Statutes,

e. one member shall have at least ten (10) years' experience as a building and construction inspector,

f. one member shall have at least ten (10) years' experience as a contractor in the business of installing automatic water sprinkler systems and shall

be selected from a list of at least three nominees submitted by the State Fire Marshal Commission,

g. one member shall represent the public and shall not practice, have practiced, or be licensed to practice any of the trades regulated by the Commission nor be employed by or be related by blood or marriage within the third degree to any person who practices, has practiced, or is licensed to practice any such trades,

h. one member shall be designated by the Board of Governors of the Licensed Architects and Landscape Architects of Oklahoma, and

i. one member shall be designated by the State Board of Registration for Professional Engineers and Land Surveyors.

2. Except for members appointed pursuant to subparagraphs h and i of paragraph 1 of this subsection, members shall be appointed for terms of four (4) years; provided, of those members initially appointed to the Commission, five voting members shall be appointed for two-year terms, beginning September 1, 2000, and five voting members shall be appointed for four-year terms, beginning September 1, 2000, as designated by the Governor. Members shall continue in office until a successor is appointed by the Governor. The Governor shall fill all vacancies and unexpired terms in the same manner as the appointment of the member whose position is to be filled. Such members may be removed by the Governor for cause.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1000.3 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. 1. The Construction Industries Commission shall organize immediately after September 1, 2000, and annually thereafter, by electing from among its members a president, a vice-president and a secretary-treasurer. The Commission shall hold regularly scheduled

meetings at least once each quarter at a time and place determined by the Commission, and may hold such special meetings, emergency meetings, or continued or reconvened meetings as found by the Commission to be expedient or necessary. A majority of the members of the Commission shall constitute a quorum for the transaction of business.

2. The president shall preside at meetings of the Commission, set the agenda, sign orders and other required documents, coordinate Commission activities, and perform such other duties as may be prescribed by the Commission.

3. The vice-president shall perform the duties of the president during the president's absence or disability and shall perform such other duties as may be prescribed by the Commission.

4. The secretary-treasurer or the executive director at the discretion of the Commission shall:

a. keep a record of all proceedings of the Commission and certify to actions of the Commission,

b. receive and deposit all monies received by the Commission in the appropriate revolving funds,

c. submit, at the first regular meeting of the Commission after the end of each fiscal year, a full itemized report of the receipts and disbursements for the prior fiscal year, showing the amount of funds on hand, and

d. perform such other duties as are prescribed in this act or as may be prescribed by the Commission.

B. The Commission shall act in accordance with the provisions of the Oklahoma Open Meeting Act, the Oklahoma Open Records Act, and the Administrative Procedures Act.

C. All members of the Commission and such employees as determined by the Commission shall be bonded as required by Sections 85.26 through 85.31 of Title 74 of the Oklahoma Statutes.

D. The liability of any member or employee of the Commission acting within the scope of Commission duties or employment shall be governed by the Governmental Tort Claims Act.

E. Members of the Commission shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1000.4 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. 1. Beginning September 1, 2000, pursuant to and in compliance with Article I of the Administrative Procedures Act, the Construction Industries Commission shall have the power to adopt, amend, repeal, and promulgate rules as may be necessary to regulate the plumbing, electrical, and mechanical trades, alarm industry, building and construction inspectors, and persons in the business of installing automatic water sprinkler systems in residences and commercial buildings; provided, such rules shall not become effective prior to January 1, 2001.

2. Beginning January 1, 2001, the Commission shall have the power to enforce the provisions of the Construction Industries Commission Act; The Plumbing Licensing Law of 1955, Section 1001 et seq. of Title 59 of the Oklahoma Statutes; the Oklahoma Inspectors Act, Section 1031 et seq. of Title 59 of the Oklahoma Statutes; the Electrical License Act, Section 1680 et seq. of Title 59 of the Oklahoma Statutes; the Alarm Industry Act, Section 1800.1 et seq. of Title 59 of the Oklahoma Statutes; and the Mechanical Licensing Act, Section 1850.1 et seq. of Title 59 of the Oklahoma Statutes.

3. In addition to rules promulgated by the Construction Industries Commission, rules promulgated by the State Board of Health prior to January 1, 2001, shall be the rules of the

Commission and shall continue in effect until such rules are amended or repealed by rules promulgated by the Commission.

4. Any order made or action taken prior to January 1, 2001, by the State Board of Health, the State Department of Health or the State Commissioner of Health pursuant to the provisions of, or rules promulgated pursuant to, The Plumbing Licensing Law of 1955, the Oklahoma Inspectors Act, the Electrical License Act, the Alarm Industry Act and the Mechanical Licensing Act shall be considered valid and in effect unless rescinded by the Commission.

B. The Commission is authorized and empowered to:

1. Exercise all incidental powers and duties which are necessary to effectuate the provisions of The Plumbing Licensing Law of 1955, the Oklahoma Inspectors Act, the Electrical License Act, the Alarm Industry Act, and the Mechanical Licensing Act;

2. Serve as a code variance and appeals board for the trades it regulates which do not have statutory code variance and appeals boards;

3. Order or subpoena the attendance of witnesses, the inspection of records and premises, and the production of relevant books and papers for the investigation of matters that may come before the Commission;

4. Lease office space for the purpose of operating and maintaining a state office and lease or purchase office furniture, equipment, and supplies;

5. Employ an Executive Director and such other personnel as may be necessary, subject to statutory full-time-equivalent (FTE) limits, and fix and pay their salaries or wages;

6. Employ legal counsel, as needed, to represent the Commission in all legal matters;

7. Employ one or more investigators, as needed and subject to statutory FTE limits, for the purpose of investigating written complaints which may come before the Commission; and

8. Make such other expenditures as may be necessary in the performance of its duties.

C. Effective January 1, 2001, all powers, duties, responsibilities, records, fund balances, encumbrances and obligations of the State Board of Health, the State Department of Health and the State Commissioner of Health relating to the regulation of the plumbing, electrical, and mechanical trades, the alarm industry, and building and construction inspectors are hereby transferred to the Construction Industries Commission.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1000.5 of Title 59, unless there is created a duplication in numbering, reads as follows:

Expenditures, encumbrances and transfers from the following revolving funds by the State Department of Health from July 1, 2000, through December 31, 2000, shall not exceed the following amounts:

1. The revolving fund created pursuant to Section 1018 of Title 59 of the Oklahoma Statutes: _____ Dollars ($_____);

2. The Electrical Revolving Fund, created pursuant to Section 1694 of Title 59 of the Oklahoma Statutes:_____ Dollars ($_____);

3. The Alarm Industry Revolving Fund, created pursuant to Section 1800.14 of Title 59 of the Oklahoma Statutes: _____Dollars ($_____); and

4. The Oklahoma Mechanical Licensing Revolving Fund, created pursuant to Section 1850.13 of Title 59 of the Oklahoma Statutes: _____Dollars ($_____).

SECTION 6. AMENDATORY 59 O.S. 1991, Section 1002, as amended by Section 1, Chapter 236, O.S.L. 1993 (59 O.S. Supp. 1999, Section 1002), is amended to read as follows:

Section 1002. A. The ~~State Board of Health, in pursuance of its general power of supervision over the interests of the health~~

~~and life of the citizens of this state, and over the sanitary conditions under which they live,~~ Construction Industries Commission is hereby authorized, empowered, and directed~~, through the Commissioner of Health,~~ to make, prescribe, enforce, amend, and repeal rules ~~and regulations~~ governing the following:

1. The examination and licensing of persons desiring or intending to engage in the business, trade or calling of ~~master plumber (~~plumbing contractor~~)~~ or journeyman plumber~~, the~~;

2. The registering of and issuing of certificates to persons desiring or intending to work or act as a plumber's apprentice~~, the~~;

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

4. The initiation of disciplinary proceedings~~, the~~;

5. The requesting of prosecution of and initiation of injunctive proceedings against any person who violates any of the provisions of ~~this act~~ Section 1001 et seq. of this title or any rule promulgated pursuant to ~~this act, and to establish~~ Section 1001 et seq. of this title; and

6. The establishment of bonding requirements for the issuance of a license as a plumbing contractor~~,~~; provided, such rules ~~and regulations~~ shall not be inconsistent with the terms and conditions hereinafter provided.

B. Such bonding requirements shall allow the filing of cash or a certificate of deposit in lieu of a bond. A state bond or cash or certificate of deposit filed in lieu of a bond and which is posted pursuant to the provisions of this section shall be deemed sufficient to meet the requirements of any municipality, provided that a copy of said bond or documentation of cash or certificate of deposit filed in lieu of a bond shall be filed with any municipality in which the licensee does work as a plumbing contractor. A copy of the bond or documentation of cash or certificate of deposit filed in lieu of a bond shall be filed with the municipality prior to the commencement of any such work by the licensee. ~~The State Board of~~

~~Health shall establish a Grand Master Plumbing License for contractors in Oklahoma which will include all plumbing licenses in one license on an annual basis.~~

SECTION 7. AMENDATORY Section 1, Chapter 293, O.S.L. 1994 (59 O.S. Supp. 1999, Section 1002.1), is amended to read as follows:

Section 1002.1 The ~~State Commissioner of Health~~ Construction Industries Commission shall establish by rule a process for the formal review of the plans and specifications for a project prior to bid dates for the project to ensure that the project plans and specifications are in conformance with applicable plumbing, electrical and mechanical installation codes. The rule shall provide that the review shall be completed in a timely manner, not to exceed fourteen (14) calendar days from the date of the submission of a completed application for review which is accompanied by the review fee not to exceed Two Hundred Dollars ($200.00) to be established by the rule. Upon completion of the review, the plans and specifications shall be returned to the applicant with documentation indicating either approval of plans and specifications which are in compliance with the applicable codes, or modifications which must be made to bring the plans and specifications into conformance. Submission of such plans and specifications for review by the ~~Department~~ Commission shall be voluntary.

SECTION 8. AMENDATORY 59 O.S. 1991, Section 1003, as last amended by Section 1, Chapter 405, O.S.L. 1999 (59 O.S. Supp. 1999, Section 1003), is amended to read as follows:

Section 1003. As used in The Plumbing License Law of 1955:

1. ~~"Board"~~ "Commission" means the ~~State Board of Health~~ Construction Industries Commission created pursuant to Section 2 of this act;

2. ~~"Commissioner" means the State Commissioner of Health;~~

~~3.~~ "Committee" means the State Committee of Plumbing Examiners appointed by the ~~State Board of Health~~ Construction Industries Commission;

~~4.~~ 3. "Plumbing Hearing Board" means the State Plumbing Hearing Board which shall consist of ~~the State Commissioner of Health~~ a designee of the Construction Industries Commission, as chair, and the members of the State Committee of Plumbing Examiners;

~~5.~~ 4. "Apprentice" or "plumber's apprentice" means any person sixteen (16) years of age or 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.~~ 5. "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.~~ 6. "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~~ 1006.1 of this ~~act~~ title;

~~8.~~ 7. "Master plumber" is a term used and defined under laws which have been repealed. A person formerly known as a master plumber is henceforth to be known as a "plumbing contractor" as herein defined;

~~9.~~ 8. "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~~,~~ and 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, limited liability company, or corporation, or other

legal entity to engage in the business of plumbing, or the business of contracting to do plumbing, or furnish labor or materials or both for the installation, repair, maintenance, or renovation of plumbing according to the requirements of this act;

~~10.~~ 9. "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

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

SECTION 9. AMENDATORY 59 O.S. 1991, Section 1004, as amended by Section 1, Chapter 63, O.S.L. 1996 (59 O.S. Supp. 1999, Section 1004), is amended to read as follows:

Section 1004. A. The Oklahoma State Committee of Plumbing Examiners is hereby re-created to continue until July 1, 2002, in accordance with the provisions of the Oklahoma Sunset Law, as provided by Sections 3901 et seq. of Title 74 of the Oklahoma

Statutes, and shall consist of six (6) members, each of whom shall be a citizen of the United States, a resident of this state, and reside in a different Congressional District of this state. ~~Members~~ Beginning January 1, 2001, as the terms of members serving on the Committee on such date expire, members of the Committee shall be appointed by the ~~State Board of Health~~ Construction Industries Commission which may also remove them for cause. They will hold office for terms of two (2) years, or until their successors are appointed. Two members of the Committee shall have had at least five (5) years' practical experience as a licensed master plumber ~~and/or~~ or plumbing contractor, and two members shall have had at least five (5) years' practical experience as a licensed journeyman plumber. One member shall be a plumbing inspector selected from lists of names submitted from plumbing inspection industries and one member shall be a lay person. Whenever appointments of initial, new, or replacement plumbing members of the Committee are to be made, the ~~State Board of Health~~ Commission shall choose them only from lists of at least three names to be furnished whenever needed as follows:

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

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

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

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

B. Duties of the Committee shall be to serve the ~~Commissioner~~ Commission in an advisory capacity, to formulate rules pursuant to ~~the Plumbing Licensing Law of 1955~~ Section 1001 et seq. of this

title, and to assist and advise the ~~Department~~ Commission on the examination of applicants for licenses as journeyman plumber ~~and/or~~ or plumbing contractor, in accordance with such rules and the terms and conditions hereof. A majority of the Committee shall constitute a quorum for the transaction of business.

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

SECTION 10. AMENDATORY 59 O.S. 1991, Section 1006, is amended to read as follows:

Section 1006. ~~(a) The Commissioner~~ A. The Construction Industries Commission shall issue licenses to ~~such~~ persons who have been certified by the ~~Committee~~ Commission as having successfully passed ~~said~~ the examination for journeyman plumber or plumbing contractor, as the case may be, and who have paid the fees and have otherwise complied with the applicable requirements of ~~this act~~ Section 1001 et seq. of this title.

~~(b) The Commissioner shall, upon proper application and payment of fees within ninety (90) days from and after the effective date of this act, but not thereafter, issue licenses without examination to persons who, on the effective date of this act, hold an unexpired license as a journeyman plumber or master plumber or plumbing contractor which has been issued by a city or incorporated town of this state, and who have otherwise complied with the requirements of this act. Said license must be produced as a prerequisite to obtaining a state license if applicant is a resident of a city or town having a licensing law.~~

~~(c) The Commissioner shall, upon proper application and payment of fees within ninety (90) days from and after the effective date of this act, but not thereafter, issue licenses without examination to persons from towns or cities of less than two thousand (2,000)~~

~~population who show proof satisfactory to the Commissioner that they were, on the effective date of this act and for a period of one (1) year prior thereto, engaged in the occupation, trade or business of journeyman plumber, or master plumber, or plumbing contractor, as the case may be, and who has otherwise complied with the requirements of this act.~~

~~(d)~~ B. All licenses shall be nontransferable ~~and it~~. It shall be unlawful for any holder of a license under ~~this act~~ Section 1001 et seq. of this title to loan or allow the use of such license by any other person, firm or corporation, except as specifically provided in ~~this act~~ Section 1001 et seq. of this title.

SECTION 11. AMENDATORY Section 2, Chapter 405, O.S.L. 1999 (59 O.S. Supp. 1999, Section 1006.1), is amended to read as follows:

Section 1006.1 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~~ Construction Industries Commission 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~~ Construction Industries Commission; 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 12. AMENDATORY 59 O.S. 1991, Section 1007, is amended to read as follows:

Section 1007. Application for examination, license ~~and/or~~ or renewal of license shall be made to the ~~Commissioner~~ Construction Industries Commission in writing and, if required, on forms furnished by the ~~Commissioner~~ Commission and shall be accompanied by the proper fee.

SECTION 13. AMENDATORY 59 O.S. 1991, Section 1008, is amended to read as follows:

Section 1008. The following shall be the fees charged under The Plumbing License Law of 1955 by the ~~State Commissioner of Healt~~h Construction Industries Commission:

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 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 14. AMENDATORY 59 O.S. 1991, Section 1010, as last amended by Section 1, Chapter 353, O.S.L. 1997 (59 O.S. Supp. 1999, Section 1010), is amended to read as follows:

Section 1010. A. The ~~State Commissioner of Health~~ Construction Industries Commission's designee, as chair, and the members of the Oklahoma State Committee of Plumbing Examiners shall constitute a Plumbing Hearing Board, which may on its own motion make investigations and conduct hearings and may, on its own motion or upon complaint in writing duly signed and verified by the complainant, and upon not less than ten (10) days' notice to the licensee, suspend any license issued under Section 1001 et seq. of this title, and may revoke such license in the manner hereinafter provided, if by clear and convincing evidence it finds that the holder of the license has:

1. Made a material misstatement in the application for license or renewal thereof;

2. Loaned or illegally used his or her license;

3. Demonstrated incompetency to act as a journeyman plumber or plumbing contractor, as the case may be;

4. Violated any provision of Section 1001 et seq. of this title, or any rule or order prescribed by the ~~Board~~ Construction Industries Commission, or any ordinance or regulation for the installation of plumbing made or enacted by a city, town, or sewer commission by authority of Section 1001 et seq. of this title; or

5. Willfully and unreasonably failed to perform his or her normal business obligations without justifiable cause.

B. A copy of the complaint with notice of the suspension of license, if ordered by the Plumbing Hearing Board, shall be served on the person complained against, and his or her answer thereto shall be filed in the time allowed for the filing of answers in legal proceedings by the statutes of this state.

C. No order revoking a license shall be made until after a public hearing ~~set~~, held in accordance with the provisions of Article II of the Administrative Procedures Act, by the Plumbing Hearing Board which shall not be less than thirty (30) days and not more than sixty (60) days after the date of notice of suspension. The hearing shall be held at the place designated by the Plumbing Hearing Board. The person complained against shall have the right to be represented by counsel and to introduce any evidence in defense. The conduct of the hearing shall be in accordance with recognized rules of legal procedure and any member of the Plumbing Hearing Board or a representative designated by the Plumbing Hearing Board shall have authority to administer oaths and take testimony.

D. Any person whose license has been revoked may, after the expiration of one (1) year from the date of such revocation, but not before, apply for a new license.

E. Notwithstanding any other provision of law, a political subdivision of this state that has adopted a nationally recognized plumbing code and appointed an inspector pursuant to Section 1016 or Section 1031 et seq. of this title for such work shall have jurisdiction over the interpretation of the code and the installation of all plumbing work done in that political subdivision, subject to the provisions of the Oklahoma Inspectors Act, Section 1031 et seq. of this title. Provided, a state inspector may work directly with a plumbing contractor or journeyman

plumber in such a locality if a violation of the code creates an immediate threat to life or health.

F. In the case of a complaint about, investigation of, or inspection of any license, registration, permit or plumbing in any political subdivision of this state which has not adopted a nationally recognized plumbing code and appointed an inspector pursuant to Section 1016 or Section 1031 et seq. of this title for such work, the ~~State Commissioner of Health~~ Construction Industries Commission shall have jurisdiction over such matters.

G. 1. No individual, business, company, corporation, limited liability company, association or other entity subject to the provisions of Section 1001 et seq. of this title shall install, modify or alter plumbing in any incorporated area of this state which has not adopted a nationally recognized plumbing code and appointed an inspector pursuant to Section 1016 or Section 1031 et seq. of this title for such work without providing notice of such plumbing to the ~~State Commissioner of Health~~ Construction Industries Commission. A notice form for reproduction by an individual or entity required to make such notice shall be provided by the ~~State Commissioner of Health~~ Commission upon request.

2. Notice to the ~~State Commissioner of Health~~ Commission pursuant to this subsection shall not be required for plumbing maintenance or replacement of an existing plumbing device or fixture, unless such device is gas fired, or of any petroleum refinery or its research facilities.

3. Enforcement of this subsection is authorized pursuant to Section 1001 et seq. of this title, or under authority granted to the ~~State Commissioner of Health~~ Commission.

SECTION 15. AMENDATORY Section 3, Chapter 236, O.S.L. 1993 (59 O.S. Supp. 1999, Section 1010.1), is amended to read as follows:

Section 1010.1 A. In addition to other penalties provided by law, if after a hearing in accordance with the provisions of Section 1010 of this title, the Plumbing Hearing Board shall find any person to be in violation of any of the provisions of ~~this act~~ Section 1001 et seq. of this title, such person may be subject to an administrative fine of not more than Five Hundred Dollars ($500.00) for each violation. Each day a person is in violation of ~~this act~~ Section 1001 et seq. of this title 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 fund established in Section 1018 of this title. Administrative fines imposed pursuant to this subsection shall be enforceable in the district courts of this state.

B. The Plumbing Hearing Board may make application to the appropriate court for an order enjoining the acts or practices prohibited by ~~this act~~ Section 1001 et seq. of this title, and upon a showing by the Plumbing Hearing Board that the person 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 16. AMENDATORY 59 O.S. 1991, Section 1011, is amended to read as follows:

Section 1011. An appeal from the decision of the Plumbing Hearing Board upon the suspension or revocation of a license, or upon any decision not specifically provided for in ~~this act~~ Section 1001 et seq. of this title, may be taken to the district court ~~of the residence of the aggrieved party by filing with the Plumbing Hearing Board, within ten (10) days from the date of the Plumbing Hearing Board's decision, a notice of appeal, which notice shall specifically set out the grounds upon which such appeal is taken~~ in

accordance with the provisions of Article II of the Administrative Procedures Act.

SECTION 17. AMENDATORY 59 O.S. 1991, Section 1013, as amended by Section 4, Chapter 405, O.S.L. 1999 (59 O.S. Supp. 1999, Section 1013), is amended to read as follows:

Section 1013. The ~~State Commissioner of Health~~ Construction Industries Commission shall, upon proper application and payment of fee, register as a plumber's apprentice, and shall issue a certificate of registration to, a person or persons who furnish proof satisfactory to the ~~Commissioner~~ Commission that ~~he, she, or~~ they are sixteen (16) years of age or 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. The certificate of an apprentice shall expire at the end of one (1) year from date of issuance, at which time the ~~Commissioner~~ Commission may issue a renewal certificate upon payment of the renewal fee.

SECTION 18. AMENDATORY 59 O.S. 1991, Section 1014, is amended to read as follows:

Section 1014. Every holder of a license as a journeyman plumber or plumbing contractor, or of a certificate of registration as a plumber's apprentice, shall promptly notify the ~~Commissioner~~ Construction Industries Commission of any change in ~~his~~ business address.

SECTION 19. AMENDATORY 59 O.S. 1991, Section 1018, as amended by Section 2, Chapter 236, O.S.L. 1993 (59 O.S. Supp. 1999, Section 1018), is amended to read as follows:

Section 1018. All fees, administrative fines or payments of any type ~~collected~~ received by the ~~Commissioner~~ Construction Industries Commission under ~~this act~~ Section 1001 et seq. of this title shall be ~~paid directly into the State Treasury where they shall be kept~~ deposited in a ~~separate~~ revolving fund ~~in trust and for use only~~ to

be designated the "Plumbing Licensing Revolving Fund" and are hereby appropriated and may be expended by the ~~Commissioner to meet all expenses deemed necessary to incur in carrying out the intent and purposes of this act~~ Commission for the purpose of implementing Section 1001 et seq. of this title. The ~~funds are to be expended only through the Commissioner's authorization and are to be used for paying operating expenses and in carrying out programs and devices designed to further the efficacy of the plumbing industry and public understanding of it. This may include, among other expenditures to be determined through the Commissioner's discretion, preparation and printing of regulations, bulletins, or other documents and the furnishing of copies to those engaged in the plumbing industry or to the public~~ fund shall be a continuing fund, not subject to fiscal year limitations. 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 20. 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 by the ~~State Board of Health~~ Construction Industries Commission through authority of ~~this act~~ Section 1001 et seq. of this title and the provisions of the Construction Industries Commission Act. Each state-licensed master plumber, plumbing contractor and journeyman plumber shall be required to register with the plumbing inspector of every city and town in whose jurisdiction ~~he~~ the plumber operates,

and each such city or town is hereby authorized to register such master plumber, plumbing contractor 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 master plumber, plumbing contractor or journeyman plumber shall be permitted to do business or work in any city or town wherein ~~his~~ the plumber's local registration has been revoked.

SECTION 21. AMENDATORY Section 3, Chapter 293, O.S.L. 1994 (59 O.S. Supp. 1999, Section 1021.1), is amended to read as follows:

Section 1021.1 A. 1. There is hereby created the Oklahoma State Plumbing Installation Code Variance and Appeals Board. The Variance and Appeals Board shall hear testimony and shall review sufficient technical data submitted by an applicant to substantiate the proposed installation of any material, assembly or manufacturer-engineered components, equipment or system that is not specifically prescribed by an appropriate installation code, an industry consensus standard or fabricated or installed according to recognized and generally accepted good engineering practices, where no ordinance or regulation of a governmental subdivision applies. If it is determined that the evidence submitted is satisfactory proof of performance for the proposed installation, the Variance and Appeals Board shall approve such alternative, subject to the requirements of the appropriate installation code. Applications for the use of an alternative material or method of construction shall be submitted in writing to the ~~State Commissioner of Health~~ Construction Industries Commission for approval prior to use. Applications shall be accompanied by a filing fee, not to exceed Fifty Dollars ($50.00), as set by rule of the ~~State Board of Health~~ Commission.

2. The Variance and Appeals Board shall also hear appeals from contractors, licensed by the ~~Occupational Licensing Service of the~~

~~State Department of Health~~ Construction Industries Commission, and any party who has an ownership interest in or is in responsible charge of the design of or work on the installation, who contest the ~~Department's~~ Commission's interpretation of the state's model plumbing installation code as applied to a particular installation. Such appeals shall be based on a claim that:

a. the true intent of the installation code has been incorrectly interpreted,

b. the provisions of the code do not fully apply, or

c. an equal or better form of installation is proposed.

Such appeals to the Variance and Appeals Board shall be made in writing to the ~~State Commissioner of Health~~ Commission within fourteen (14) days after a code interpretation or receipt of written notice of the alleged code violation by the licensed contractor.

B. The Variance and Appeals Board shall consist of the ~~State Commissioner of Health or his or her~~ Commission or the director's designated representative and the following members who, except for the State Fire Marshal or designee, shall be appointed by the ~~Commissioner~~ Commission from a list of names submitted by the professional organizations of the professions represented on the Board and who shall serve at the pleasure of the ~~Commissioner~~ Commission:

1. Two members shall be appointed from the State Committee of Plumbing Examiners; one shall be a contractor with five (5) years of experience and one shall be a journeyman with five (5) years of experience;

2. One member shall be a registered design professional who is a registered architect with at least ten (10) years of experience, five (5) of which shall have been in responsible charge of work;

3. One member shall be a registered design professional with at least ten (10) years of structural engineering or architectural

experience, five (5) of which shall have been in responsible charge of work;

4. One member shall be a registered design professional with mechanical or plumbing engineering experience; provided, such member shall have at least ten (10) years of experience, five (5) of which shall have been in responsible charge of work;

5. One member shall be a registered design professional with electrical engineering experience; provided, such member shall have at least ten (10) years of experience, five (5) of which shall have been in responsible charge of work; and

6. One member shall be the State Fire Marshal or a designee of the State Fire Marshal.

Provided, any member serving on the Board on January 1, 2001, may continue to serve on the Board until a replacement is appointed by the Commission.

C. Members, except the ~~Commissioner and~~ designated representatives of the State Fire Marshal and the ~~Commissioner's and State Fire Marshal's designated representatives~~ Commission, and employees of the ~~Department~~ Commission, shall be reimbursed for travel expenses pursuant to the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes, from the revolving fund created pursuant to Section 1018 of ~~Title 59 of the Oklahoma Statutes~~ this title.

D. The Variance and Appeals Board shall meet after the ~~Commissioner~~ Commission receives proper application for a variance, accompanied by the filing fee, or proper notice of an appeal, as provided in subsection A of this section.

E. The ~~State Commissioner of Health~~ Commission, or the ~~Commissioner's~~ director's designated representative, shall serve as chair of the Variance and Appeals Board. A majority of the members of the Variance and Appeals Board shall constitute a quorum for the transaction of the business of the Board.

SECTION 22. AMENDATORY 59 O.S. 1991, Section 1032, is amended to read as follows:

Section 1032. The ~~State Board of Health~~ Construction Industries Commission shall promulgate rules ~~and regulations~~ governing the examination and licensing of building, electrical, mechanical, plumbing, and other construction inspectors and the establishment of classifications for such inspectors. The ~~State Board of Health~~ Commission may adopt as part of such rules ~~and regulations~~ any or all nationally recognized inspector certification programs or codes for purposes of building and construction inspector licensing. The rules ~~and regulations~~ adopted by the ~~State Board of Health~~ Commission shall provide requirements for continuing education for building and construction inspectors.

SECTION 23. AMENDATORY 59 O.S. 1991, Section 1033, is amended to read as follows:

Section 1033. As used in the Oklahoma Inspectors Act:

1. ~~"Commissioner"~~ "Commission" means the ~~State Commissioner of Health~~ Construction Industries Commission;

2. "Committee" means the Oklahoma Inspector Examiners Committee;

3. "Building and construction inspection" means the inspection of plumbing, electrical, mechanical or structural aspects of building and construction, for the purpose of enforcing compliance with the applicable building codes or standards;

4. "Building and construction inspector" means any person actively engaged in the inspection of any phase of building and construction for the purpose of enforcing compliance with the applicable building codes or standards and includes, but is not limited to, plumbing inspectors, electrical inspectors, mechanical inspectors and structural inspectors; and

5. "Circuit rider inspector" means a person who acts as a building and construction inspector for two or more municipalities

or other political subdivisions and is certified and licensed pursuant to the Oklahoma Inspectors Act.

SECTION 24. AMENDATORY 59 O.S. 1991, Section 1034, is amended to read as follows:

Section 1034. There is hereby created the Oklahoma Inspector Examiners Committee which shall consist of seven (7) members. One member shall be the ~~State Commissioner of Health or~~ Construction Industries Commission's designee. ~~Six~~ Beginning January 1, 2001, as the terms of the six other members serving on the Committee on such date expire, these members shall be appointed ~~prior to December 1, 1989,~~ by the ~~State Board of Health, who~~ Commission which may also remove any appointed member for cause. ~~Three of the appointed members shall serve an initial term of two (2) years and three shall serve an initial term of four (4) years. Thereafter, the appointed~~ Appointed members shall hold office for terms of four (4) years or until their successors are appointed.

Four appointed members shall be residents of this state and each shall have had at least five (5) years of practical experience as a building and construction inspector in his or her respective field. Of these appointees, one member each shall be appointed from the plumbing, electrical, mechanical and structural professions. One appointed member shall be a municipal officer as defined in Section 1-102 of Title 11 of the Oklahoma Statutes, and one appointed member shall be a lay person.

Each member shall serve without pay but shall be reimbursed for his actual expenses in accordance with the State Travel Reimbursement Act.

SECTION 25. AMENDATORY 59 O.S. 1991, Section 1035, is amended to read as follows:

Section 1035. The Committee shall have the power and duty:

1. To assist the ~~State Commissioner of Health~~ Construction Industries Commission in certifying, licensing and otherwise regulating persons employed as building and construction inspectors;

2. To assist the ~~Commissioner~~ Commission in establishing and administering examinations to applicants for an Oklahoma inspector's license;

3. To assist the ~~Commissioner~~ Commission in prescribing and adopting forms for certification and licensure applications;

4. To assist the ~~State Board of Health~~ Commission by making recommendations concerning rules ~~and regulations~~ which establish standards of performance for building and construction inspectors;

5. To assist the ~~State Board of Health~~ Commission in determining whether certification by a national certification program or licensing by another governmental entity should be approved as a substitute for a successful completion of the Oklahoma Inspector's Examination;

6. To investigate alleged violations of the provisions of the Oklahoma Inspectors Act and of any rules ~~and regulations~~ promulgated pursuant thereto; and

7. To have such other powers and duties as are necessary to implement the Oklahoma Inspectors Act.

SECTION 26. AMENDATORY 59 O.S. 1991, Section 1036, as amended by Section 2, Chapter 9, O.S.L. 1995 (59 O.S. Supp. 1999, Section 1036), is amended to read as follows:

Section 1036. A. ~~Except as provided in subsection B of this section, after February 1, 1990, applicants~~ Applicants for certification and license shall:

1. Show proof of certification or licensing by a program or governmental entity approved by the ~~State Board of Health~~ Construction Industries Commission; or

2. Have been certified by the Committee as having passed the examination.

The ~~Commissioner~~ Commission shall issue a license to any person who has met the requirements of paragraph 1 or 2 of this subsection and who has paid the fees required by the Oklahoma Inspectors Act and has otherwise complied with the applicable requirements of the Oklahoma Inspectors Act. Provided, the ~~Commissioner~~ Commission may issue a provisional license limited to two (2) years to enable an applicant to meet the certification requirements of this subsection.

B. ~~The Commissioner shall issue a license without examination to all applicants who were employed by any political subdivision as building and construction inspectors prior to February 1, 1990, and who make proper application and payment of fees prior to February 1, 1990, as provided for in the Oklahoma Inspectors Act, and submit notarized affidavits from a state or municipal official verifying employment as a building and construction inspector.~~

~~C.~~ Examinations shall be uniform and shall be practical in nature but shall be sufficiently strict to test the qualifications and fitness of the applicant as a building and construction inspector. The examination shall be in whole or in part in writing. Examination dates shall be set by the Committee. Any applicant failing to pass the examination shall not be permitted to take another examination for a period of thirty (30) days, and thereafter any such applicants subsequently failing to pass the examination shall not be permitted to take a subsequent examination for a period of ninety (90) days.

~~D.~~ C. All licenses shall be nontransferable and it shall be unlawful for any holder of a license issued pursuant to the Oklahoma Inspectors Act to loan or allow the use of such license by any other person, firm or corporation.

SECTION 27. AMENDATORY 59 O.S. 1991, Section 1037, is amended to read as follows:

Section 1037. Application for examination, certification, or license or renewal of license shall be made to the ~~Commissioner~~

Construction Industries Commission in writing on forms furnished by the ~~Commissioner~~ Commission and each application shall be accompanied by a fee of Twenty-five Dollars ($25.00). Applicants for renewal may also be required to submit proof of compliance with continuing education requirements established by the ~~Board~~ Commission.

SECTION 28. AMENDATORY 59 O.S. 1991, Section 1039, is amended to read as follows:

Section 1039. A. The Committee may, upon its own motion, and shall upon written complaint filed by any person, investigate inspection practices of any building and construction inspector.

B. The Committee may request that an individual proceeding be conducted to determine whether the licensee has:

1. Made a material misstatement in the application for license or renewal thereof;

2. Loaned or illegally used his or her license;

3. Demonstrated incompetency to act as a building and construction inspector; or

4. Violated any provision of the Oklahoma Inspectors Act, or any rule~~, regulation or order~~ promulgated or order issued pursuant to the Oklahoma Inspectors Act.

C. After a finding by an impartial hearing examiner that the licensee is guilty of any violation as provided for in subsection B of this section, the ~~Commissioner~~ Construction Industries Commission may:

1. Suspend or revoke the license;

2. Defer such suspension or revocation pending mitigating or remedial action by the licensee; or

3. Assess administrative penalties pursuant to the provisions of Section ~~1-1701.1A of Title 63 of the Oklahoma Statutes~~ 1044 of this title.

D. Any person whose license has been revoked by the ~~Commissioner~~ Commission may not apply for a new license for at least one (1) year from the date of such revocation.

SECTION 29. AMENDATORY 59 O.S. 1991, Section 1041, is amended to read as follows:

Section 1041. Any municipality or other governmental entity which employs any person as a building and construction inspector for functions normally performed by a building and construction inspector shall notify the ~~Commissioner~~ Construction Industries Commission of the employment.

Any municipality or other political subdivision of the state with a population of ten thousand (10,000) or less according to the most current census published by the Oklahoma Employment Security Commission shall be exempt from the provisions of ~~this act~~ Section 1031 et seq. of this title, unless such municipality or other political subdivision of the state employs the services of a circuit rider inspector.

SECTION 30. AMENDATORY 59 O.S. 1991, Section 1042, is amended to read as follows:

Section 1042. There is hereby created in the State Treasury a revolving fund for the ~~State Department of Health~~ Construction Industries Commission, to be designated the "Oklahoma Inspectors Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the ~~Commissioner~~ Commission from fees and fines collected pursuant to the Oklahoma Inspectors Act. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the ~~State Commissioner of Health~~ Commission for the purpose of implementing the provisions of the Oklahoma Inspectors Act for the continuing education of building and construction inspectors, and for implementing programs designed to further the efficiency of the building and construction inspector profession and

public understanding of the profession. Expenditures from said 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 31. AMENDATORY 59 O.S. 1991, Section 1044, is amended to read as follows:

Section 1044. Any person convicted of acting or performing as a building and construction inspector without the proper license shall be guilty of a misdemeanor and shall be punished by a fine of not less than Two Hundred Fifty Dollars ($250.00) nor more than Two Thousand Five Hundred Dollars ($2,500.00), together with the costs of prosecution. Each day of violation shall constitute a separate offense.

Any entity who employs an unlicensed person to perform the duties and responsibilities of a building and construction inspector or who fails to notify the ~~Commissioner~~ Construction Industries Commission of the employment of an inspector shall be subject to an administrative ~~penalties pursuant to the provisions of Section 1-1701 and 1-1701.1A of Title 63 of the Oklahoma Statutes~~ fine of not more than Two Hundred Dollars ($200.00) for each violation. Each day a person is in violation may constitute a separate violation. The maximum fine shall not exceed One Thousand Dollars ($1,000.00).

SECTION 32. AMENDATORY 59 O.S. 1991, Section 1681, as last amended by Section 1, Chapter 155, O.S.L. 1994 (59 O.S. Supp. 1999, Section 1681), is amended to read as follows:

Section 1681. The ~~State Board of Health~~ Construction Industries Commission is hereby authorized to adopt, amend and repeal rules governing the examination and licensing of electrical contractors and journeymen electricians, the defining of categories and limitations for such licenses, the establishment of continuing education requirements and procedures as determined by the Committee

of Electrical Examiners, the establishment and levying of administrative fines, the initiation of disciplinary proceedings, the requesting of prosecution of and initiation of injunctive proceedings against any person who violates any of the provisions of ~~this act~~ Section 1681 et seq. of this title or any rule promulgated pursuant to ~~this act~~ Section 1681 et seq. of this title, the establishment of bonding and insurance requirements precluding municipal requirements, the requirement of proof of possession of a Federal Tax ID Number and a State of Oklahoma Employment Security Commission identification number, the registration of electrical apprentices and the standard of electrical installations, and to adopt future editions of the Code. Provided, broiler houses will not be required to meet the electrical wiring requirements for environmentally controlled poultry houses as set out in the National Electric Code.

SECTION 33. AMENDATORY Section 4, Chapter 293, O.S.L. 1994 (59 O.S. Supp. 1999, Section 1681.1), is amended to read as follows:

Section 1681.1 The ~~State Commissioner of Health~~ Construction Industries Commission shall establish by rule a process for the formal review of the plans and specifications for a project prior to bid dates for the project to ensure that the project plans and specifications are in conformance with applicable plumbing, electrical and mechanical installation codes. The rule shall provide that the review shall be completed in a timely manner, not to exceed fourteen (14) calendar days from the date of the submission of a completed application for review which is accompanied by the review fee not to exceed Two Hundred Dollars ($200.00) to be established by the rule. Upon completion of the review, the plans and specifications shall be returned to the applicant with documentation indicating either approval of plans and specifications which are in compliance with the applicable codes, or

modifications which must be made to bring the plans and specifications into conformance. Submission of such plans and specifications for review by the ~~Department~~ Commission shall be voluntary.

SECTION 34. AMENDATORY 59 O.S. 1991, Section 1682, as last amended by Section 5, Chapter 405, O.S.L. 1999 (59 O.S. Supp. 1999, 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.~~ "Commission" means the Construction Industries Commission created pursuant to Section 2 of this act;

2. "Committee" means the Committee of Electrical Examiners appointed by the ~~State Board of Health~~ Commission;

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

~~5.~~ 3. "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.~~ 4. "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.~~ 5. "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, limited liability company, 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.~~ 6. "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.~~ 7. "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.~~ 8. "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~~ 1685.1 of this ~~act~~ title;

~~11.~~ 9. "Variance and Appeals Board" means the Oklahoma State Electrical Installation Code Variance and Appeals Board; and

~~12.~~ 10. "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 35. AMENDATORY 59 O.S. 1991, Section 1683, as last amended by Section 3, Chapter 318, O.S.L. 1996 (59 O.S. Supp. 1999, Section 1683), is amended to read as follows:

Section 1683. A. There is hereby established the Committee of Electrical Examiners which shall consist of seven (7) members. All members of the Committee shall be residents of this state.

B. ~~1. Six~~ Beginning January 1, 2001, as the terms of members serving on the Committee expire, six voting members of the Committee shall be appointed by the ~~State Board of Health~~ Construction Industries Commission as follows:

~~a. one~~

1. One member shall be an electrical inspector selected from a list of names submitted by the Oklahoma Chapter, International Association of Electrical Inspectors~~,~~;

~~b. one~~

2. One member shall be selected from a list of names submitted by the Oklahoma Chapters of the National Electrical Contractors Association~~,~~;

~~c. one~~

3. One member shall be selected from a list of names submitted by the Associated Builders and Constructors~~,~~;

~~d. one~~

4. One member shall be a journeyman wireman selected from a list of names submitted by the International Brotherhood of Electrical Workers~~,~~;

~~e. one~~

5. One member shall be a journeyman wireman selected from lists of names submitted from the electrical construction industry~~,~~; and

~~f. one~~

6. One member shall be selected ~~on or before January 1, 1997,~~ from a list of names submitted by the Oklahoma Chapters of Independent Electrical Contractors, Incorporated. The term of the initial appointee shall be for two (2) years.

All members shall each have at least ten (10) years of active experience as licensed electrical contractors, journeyman electricians or as an electrical inspector. No member shall be employed by the same person or firm as any other member of the Committee. The terms of members so appointed shall be staggered and shall be for two (2) years, or until their successors are appointed and qualified.

~~2.~~ The nonvoting member shall be designated by the ~~Board~~ Commission from ~~the~~ its staff ~~of the State Department of Health~~ to serve as Program Administrator and serve as the Chief Electrical Inspector for the state.

C. Vacancies which may occur in the membership of the Committee shall be filled by appointment of the ~~Board~~ Commission. Each person who has been appointed to fill a vacancy shall serve for the remainder of the term for which the member he or she succeeds was appointed and until his or her successor has been appointed and has qualified. Members of the Committee may be removed from office by the ~~Board~~ Commission for cause in the manner provided by law for the removal of officers not subject to impeachment.

D. The Committee shall assist and advise the ~~Commissioner~~ Commission on all matters relating to the formulation of rules~~, regulations~~ and standards in accordance with the Electrical License Act. The Committee shall administer the examinations of applicants for licenses as electrical contractors or journeyman electricians provided that such examinations shall be in accordance with the provisions of the Electrical License Act. The Committee may authorize the ~~Department~~ Commission to conduct tests on their behalf as the Committee deems necessary.

E. All members of the Committee shall be reimbursed for expenses incurred while in the performance of their duties in accordance with the State Travel Reimbursement Act.

F. A majority of the total membership of the Committee shall constitute a quorum for the transaction of business.

G. The Committee shall elect from among its membership a chairperson, vice-chairperson and secretary to serve terms of not more than one (1) year ending on June 30 of the year designated as the end of the officer's term. The chairperson or vice-chairperson shall preside at all meetings. The chairperson, vice-chairperson and secretary shall perform such duties as may be directed by the Committee. The Committee shall meet at such times as the chairperson or presiding officer deems necessary to ~~implement this section~~ carry out the Committee's responsibilities.

SECTION 36. AMENDATORY 59 O.S. 1991, Section 1685, is amended to read as follows:

Section 1685. A. The ~~Commissioner~~ Construction Industries Commission shall issue a license as journeyman electrician or electrical contractor to any person who:

1. Has been certified by the Committee of Electrical Examiners as either having successfully passed the appropriate examination or having a valid license issued by another governmental entity with licensing requirements similar to those provided in the Electrical License Act; and

2. Has paid the license fee and otherwise complied with the provisions of the Electrical License Act.

B. All licenses shall be nontransferable and it shall be a misdemeanor for any person licensed under the provisions of the Electrical License Act to loan or allow the use of such license by any other person, firm or corporation, except as specifically provided in the Electrical License Act.

~~C. Until October 1, 1982, the Commissioner shall, upon proper application and payment of fees, issue licenses without examinations to persons who prior to July 1, 1982, held unexpired licenses as journeyman electricians or electrical contractors issued by a city or incorporated town of this state, and who have otherwise complied with the requirements of the Electrical License Act. This license must be produced as a prerequisite to obtaining a state license if the applicant is a resident of a city or town having a licensing law.~~

SECTION 37. AMENDATORY Section 6, Chapter 405, O.S.L. 1999 (59 O.S. Supp. 1999, Section 1685.1), is amended to read as follows:

Section 1685.1 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~~ Construction Industries Commission 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~~ Commission; 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 38. AMENDATORY 59 O.S. 1991, Section 1686, is amended to read as follows:

Section 1686. A. The ~~Commissioner~~ Construction Industries Commission shall, upon proper application and payment of fee, register as an electrical apprentice and issue a certificate of such registration to any person who furnishes satisfactory proof to the ~~Commissioner~~ Commission that the applicant is:

1. Sixteen (16) years of age or over;

2. Enrolled in a ~~school o~~r federal training ~~course~~ program for electrical apprentices recognized by the ~~Commissioner~~ Commission, or ~~has arranged for~~ employment as an electrical apprentice with ~~a~~ an active licensed electrical contractor.

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

SECTION 39. AMENDATORY 59 O.S. 1991, Section 1688, as last amended by Section 8, Chapter 405, O.S.L. 1999 (59 O.S. Supp. 1999, 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 of not less than six (6) hours of instruction as determined by the Committee and approved by the ~~State Board of Health~~ Construction Industries Commission, within one (1) year of adoption of the current national electrical code revision.

C. An apprentice registration certificate shall be issued for one (1) year, at which time the apprentice may reregister upon meeting the requirements of the ~~State Department of Health~~ Commission and paying the renewal fee.

SECTION 40. AMENDATORY 59 O.S. 1991, Section 1689, as last amended by Section 4, Chapter 353, O.S.L. 1997 (59 O.S. Supp. 1999, Section 1689), is amended to read as follows:

Section 1689. A. The ~~State Commissioner of Health~~ Construction Industries Commission and the Committee of Electrical Examiners shall act as the Electrical Hearing Board and shall comply with the provisions of Article II of the Administrative Procedures Act, Section ~~309~~ 308a et seq. of Title 75 of the Oklahoma Statutes.

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

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

2. Loaning or illegally using a license;

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

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

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

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

D. Notwithstanding any other provision of law, a political subdivision of this state that has adopted a nationally recognized electrical code and appointed an inspector pursuant to the provisions of Section 1693 or Section 1031 et seq. of this title for such work shall have jurisdiction over the interpretation of the code and the installation of all electrical work done in that political subdivision, subject to the provisions of the Oklahoma Inspectors Act, Section 1031 et seq. of this title. Provided, a state inspector may work directly with an electrical contractor, journeyman electrician or electrical apprentice in such a locality if a violation of the code creates an immediate threat to life or health.

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

F. 1. No individual, business, company, corporation, association or other entity subject to the provisions of Section 1680 et seq. of this title shall install, modify or alter electrical facilities in any incorporated area of this state which has not adopted a nationally recognized electrical code and appointed an inspector pursuant to the provisions of Section 1693 or Section 1031 et seq. of this title for such work without providing notice of such electrical work to the ~~State Commissioner of Health~~ Commission. A

notice form for reproduction by an individual or entity required to make such notice shall be provided by the ~~Commissioner~~ Commission upon request.

2. Notice to the ~~Commissioner~~ Commission pursuant to this subsection shall not be required for electrical maintenance or replacement of existing electrical appliances or fixtures or of any petroleum refinery or its research facilities.

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

SECTION 41. AMENDATORY 59 O.S. 1991, Section 1691, is amended to read as follows:

Section 1691. Any holder of a license or registration issued in accordance with the provisions of the Electrical License Act shall promptly notify the ~~Commissioner~~ Construction Industries Commission of any change in ~~his~~ address.

SECTION 42. AMENDATORY 59 O.S. 1991, Section 1694, as last amended by Section 7, Chapter 155, O.S.L. 1994 (59 O.S. Supp. 1999, Section 1694), is amended to read as follows:

Section 1694. All monies received by the ~~Commissioner~~ Construction Industries Commission under the Electrical License Act, including the administrative fines authorized by Section 1695 of this title, shall be deposited with the State Treasurer and credited to the "Electrical Revolving Fund". The revolving fund shall be a continuing fund not subject to fiscal year limitations, and shall be under the control and management of the ~~Commissioner~~ Commission. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Commission. Expenditures from this fund shall be made pursuant to the purposes of the Electrical License Act and shall include, but not be limited to, payment of operating costs and the costs of programs designed to promote public awareness of the electrical industry, and

expenditures for the preparation and printing of regulations, bulletins or other documents and the furnishing of copies of such documents to those persons engaged in the electrical industry or the public. ~~Warrants for expenditures shall be drawn by the State Auditor and Inspector based on claims signed by the Commissioner and approved for payment by the Director of State Finance~~ 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. The revolving fund shall be audited at least once each year by the State Auditor and Inspector.

SECTION 43. AMENDATORY 59 O.S. 1991, Section 1696, as amended by Section 9, Chapter 155, O.S.L. 1994 (59 O.S. Supp. 1999, Section 1696), is amended to read as follows:

Section 1696. Nothing in the Electrical License Act shall prohibit cities and towns from having full authority to provide supervision and inspection of electrical facilities by the enactment of codes, ordinances, bylaws, and rules ~~and regulations~~ in such form as they may determine and prescribe for their jurisdiction; provided, that no such codes, ordinances, bylaws, and rules ~~or regulations~~ shall be inconsistent with the Electrical License Act, or any rule ~~or regulation~~ adopted or prescribed by the ~~State Board of Health~~ Construction Industries Commission as authorized by the Electrical License Act. Each state licensed electrical contractor and journeyman electrician shall be required to register with any city or town in whose jurisdiction ~~he~~ the licensee operates. Each such city or town is authorized to register such electrical contractor or journeyman electrician, to revoke the registration, to charge fees for the registration and for permits and inspections of electrical work. No electrical contractor or journeyman electrician shall be permitted to do business or work in any city or town where his or her local registration has been revoked.

SECTION 44. AMENDATORY Section 7, Chapter 293, O.S.L. 1994 (59 O.S. Supp. 1999, Section 1697), is amended to read as follows:

Section 1697. A. 1. There is hereby created the Oklahoma State Electrical Installation Code Variance and Appeals Board. The Variance and Appeals Board shall hear testimony and shall review sufficient technical data submitted by an applicant to substantiate the proposed installation of any material, assembly or manufacturer-engineered components, equipment or system that is not specifically prescribed by an appropriate installation code, an industry consensus standard or fabricated or installed according to recognized and generally accepted good engineering practices, where no ordinance or regulation of a governmental subdivision applies. If it is determined that the evidence submitted is satisfactory proof of performance for the proposed installation, the Variance and Appeals Board shall approve such alternative, subject to the requirements of the appropriate installation code. Applications for the use of an alternative material or method of construction shall be submitted in writing to the ~~State Commissioner of Health~~ Construction Industries Commission for approval prior to use. Applications shall be accompanied by a filing fee, not to exceed Fifty Dollars ($50.00), as set by rule of the ~~State Board of Health~~ Commission.

2. The Variance and Appeals Board shall also hear appeals from contractors~~,~~ licensed by the ~~Occupational Licensing Service of the State Department of Health~~ Commission, and any party who has an ownership interest in or is in responsible charge of the design of or work on the installation, who contest the ~~Department's~~ Commission's interpretation of the state's model electrical installation code as applied to a particular installation. Such appeals shall be based on a claim that:

a. the true intent of the installation code has been incorrectly interpreted,

b. the provisions of the code do not fully apply, or

c. an equal or better form of installation is proposed.

Such appeals to the Variance and Appeals Board shall be made in writing to the ~~State Commissioner of Health~~ Commission within fourteen (14) days after a code interpretation or receipt of written notice of the alleged code violation by the licensed contractor.

B. The Variance and Appeals Board shall consist of the ~~State Commissioner of Health or his or her~~ Construction Industries Commission's designated representative and the following members who, except for the State Fire Marshal or designee, shall be appointed by the ~~Commissioner~~ Commission from a list of names submitted by the professional organizations of the professions represented on the Board and who shall serve at the pleasure of the ~~Commissioner~~ Commission:

1. Two members shall be appointed from the Committee of Electrical Examiners; one shall be a contractor with five (5) years of experience and one shall be a journeyman with five (5) years of experience;

2. One member shall be a registered design professional who is a registered architect with at least ten (10) years of experience, five (5) of which shall have been in responsible charge of work;

3. One member shall be a registered design professional with at least ten (10) years of structural engineering or architectural experience, five (5) of which shall have been in responsible charge of work;

4. One member shall be a registered design professional with mechanical or plumbing engineering experience; provided, such member shall have at least ten (10) years of experience, five (5) of which shall have been in responsible charge of work;

5. One member shall be a registered design professional with electrical engineering experience; provided, such member shall have at least ten (10) years of experience, five (5) of which shall have been in responsible charge of work; and

6. One member shall be the State Fire Marshal or a designee of the State Fire Marshal.

Provided, any member serving on the Board on January 1, 2001, may continue to serve on the Board until a replacement is appointed by the Commission.

C. Members, except the ~~Commissioner~~ designee of the Commission and the State Fire Marshal ~~the Commissioner's and State Fire Marshal's~~ or their designated representatives, and employees of the ~~Department~~ Commission, shall be reimbursed for travel expenses pursuant to the State Travel Reimbursement Act~~, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes,~~ from the revolving fund created pursuant to Section 1694 of ~~Title 59 of the Oklahoma Statutes~~ this title.

D. The Variance and Appeals Board shall meet after the ~~Commissioner~~ Commission receives proper application for a variance, accompanied by the filing fee, or proper notice of an appeal, as provided in subsection A of this section.

E. The ~~State Commissioner of Health, or the Commissioner's~~ Commission's designated representative~~,~~ shall serve as chair of the Variance and Appeals Board. A majority of the members of the Variance and Appeals Board shall constitute a quorum for the transaction of the business of the Board.

SECTION 45. AMENDATORY 59 O.S. 1991, Section 1800.1, is amended to read as follows:

Section 1800.1 ~~Sections 1 through 16~~ Section 1800.1 et seq. of this ~~act~~ title shall be known and may be cited as the "Alarm Industry Act".

SECTION 46. AMENDATORY 59 O.S. 1991, Section 1800.2, as last amended by Section 1, Chapter 174, O.S.L. 1998 (59 O.S. Supp. 1999, Section 1800.2), is amended to read as follows:

Section 1800.2 As used in the Alarm Industry Act:

1. "Alarm industry" means the sale, except as provided in Section 1800.3 of this title, installation, alteration, repair, replacement, service, inspection, or maintenance of alarm systems or service involving receipt of alarm signals for the purpose of employee response and investigation of such signals or any combination of the foregoing activities except inspections on one- and two-family dwellings are exempt;

2. "Alarm system" means one or more devices designed either to detect and signal an unauthorized intrusion or entry or to signal a fire or other emergency condition, which signals are responded to by public law enforcement officers, fire department personnel, private guards or security officers;

3. ~~"Board" means the State Board of Health;~~

~~4.~~ "Committee" means the Alarm Industry Committee;

~~5. "Commissioner" means the Commissioner of Health;~~

~~6.~~ 4. "Commission" means the Construction Industries Commission created pursuant to Section 2 of this act;

5. "Licensee" means any person licensed pursuant to the Alarm Industry Act; and

~~7.~~ 6. "Person" means an individual, sole proprietorship, firm, partnership, association, limited liability company, corporation, or other similar entity.

SECTION 47. AMENDATORY 59 O.S. 1991, Section 1800.4, is amended to read as follows:

Section 1800.4 A. There is hereby created the "Alarm Industry Committee", which shall consist of five (5) members. One member shall be the ~~Commissioner of Health or his designated representative~~ designee of the Construction Industries Commission and, beginning

January 1, 2001, as the terms of members serving on the Committee expire, four members shall be appointed by the ~~State Board of Health within thirty (30) days after the effective date of this act~~ Commission. Three of the appointed members shall have at least five (5) years of experience in the alarm industry or in a closely related field with broad knowledge of the alarm industry. One of the appointed members shall be a lay member. No member shall be employed by the same person as any other member of the Committee.

B. The term of office of each appointed member shall be for four (4) years. ~~Provided, the terms of the first appointed members of the Committee shall be as follows:~~

~~1. One member shall be appointed to a term ending May 31, 1987;~~

~~2. One member shall be appointed to a term ending May 31, 1988;~~

~~3. One member shall be appointed to a term ending May 31, 1989; and~~

~~4. One member shall be appointed to a term ending May 31, 1990. Provided further, each~~ Each appointed member shall hold office until ~~his~~ a successor is appointed and ~~has~~ qualified ~~under the Alarm Industry Act~~.

C. Members of the Committee may be removed from office by the ~~Board~~ Commission for cause.

D. Vacancies shall be filled by appointment by the ~~Board~~ Commission for the unexpired term of the vacancy.

E. The members of the Committee shall serve without pay but may be reimbursed for actual expenses pursuant to the State Travel Reimbursement Act.

F. The Committee shall elect from among its membership a ~~chairman~~ chair, ~~vice-chairman~~ vice-chair and secretary to serve terms of not more than two (2) years ending on May 31 of the year designated by the Committee. The ~~chairman~~ chair or ~~vice-chairman~~ vice-chair shall preside at all meetings. The ~~chairman~~ chair, ~~vice-chairman~~ vice-chair, and secretary shall perform such duties as

may be decided by the Committee in order to effectively administer the Alarm Industry Act.

G. A majority of Committee members shall constitute a quorum to transact official business.

H. The Committee shall meet ~~within thirty (30) days after the effective date of this act and shall meet thereafter~~ at such times as the Committee deems necessary to implement the Alarm Industry Act.

I. The Committee shall assist and advise the ~~Commissioner of Health~~ Commission on all matters relating to the formulation of rules~~, regulations~~ and standards in accordance with the Alarm Industry Act.

SECTION 48. AMENDATORY 59 O.S. 1991, Section 1800.5, as amended by Section 2, Chapter 295, O.S.L. 1993 (59 O.S. Supp. 1999, Section 1800.5), is amended to read as follows:

Section 1800.5 The Alarm Industry Committee shall have the following duties and powers:

1. To assist the ~~Commissioner of Health~~ Construction Industries Commission in licensing and otherwise regulating persons engaged in an alarm industry business;

2. To determine qualifications of applicants pursuant to the Alarm Industry Act;

3. To prescribe and adopt forms for license applications and initiate mailing of such application forms to all persons requesting such applications;

4. To assist the ~~Commissioner~~ Commission in the denial, suspension, or revocation of licenses as provided by the Alarm Industry Act;

5. To charge and collect such fees as are prescribed by the Alarm Industry Act;

6. To assist the ~~State Board of Health~~ Commission in establishing and enforcing standards governing the materials,

services, and conduct of the licensees and their employees in regard to the alarm industry;

7. To assist the ~~Board~~ Commission in promulgating rules necessary to carry out the administration of the Alarm Industry Act;

8. To investigate alleged violations of the provisions of the Alarm Industry Act and of any rules ~~and regulations~~ promulgated by the ~~Board thereunder~~ Commission pursuant thereto;

9. To assist the ~~Oklahoma State Board of Health~~ Commission in establishing categories of licenses for the Alarm Industry Act and application requirements for each category including, but not limited to, individual license, experience requirements, fingerprints, photographs, examinations, and fees;

10. To assist the ~~Commissioner~~ Commission in providing for grievance and appeal procedures pursuant to the Oklahoma Administrative Procedures Act for any person whose license is denied, revoked, or suspended; and

11. To have such other powers and duties as are necessary to implement the Alarm Industry Act.

SECTION 49. AMENDATORY 59 O.S. 1991, Section 1800.6, is amended to read as follows:

Section 1800.6 No person shall engage in an alarm industry business in this state without first having obtained a license pursuant to the provisions of the Alarm Industry Act. ~~Provided, every person engaged in an alarm industry business in this state on the effective date of the Alarm Industry Act shall have ninety (90) days in which to apply to the Commissioner of Health for a license. A person applying for a license within this ninety-day period may continue business pending a final determination by the Commissioner of his application. Additional time beyond the ninety-day period may be granted by the Commissioner.~~

SECTION 50. AMENDATORY 59 O.S. 1991, Section 1800.7, is amended to read as follows:

Section 1800.7 A. Any person applying for a license to engage in an alarm industry business pursuant to the Alarm Industry Act shall provide evidence to the Committee that the individual within this state having direct supervision over the function and local operations of such alarm industry business or a branch thereof has the following qualifications:

1. Is at least twenty-one (21) years of age;

2. Has not been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease, and has not been restored to competency;

3. Is not a habitual user of intoxicating liquors or habit-forming drugs;

4. Has not been discharged from the Armed Services of the United States under other than honorable conditions;

5. Is of good moral character; and

6. Meets such other standards as may be established by the ~~Board~~ Construction Industries Commission relating to experience or knowledge of the alarm industry.

B. The applicant shall advise the Committee and furnish full information on each individual described in subsection A of this section of any conviction of a felony or any crime involving moral turpitude for which a full pardon has not been granted and furnish a recent photograph of a type prescribed by the ~~Board~~ Commission and two classifiable sets of fingerprints of such individual.

SECTION 51. AMENDATORY 59 O.S. 1991, Section 1800.8, as amended by Section 3, Chapter 295, O.S.L. 1993 (59 O.S. Supp. 1999, Section 1800.8), is amended to read as follows:

Section 1800.8 A. An application for a company license shall include:

1. The address of the principal office of the applicant and the address of each branch office of the applicant located within this state;

2. The name per business location under which the applicant intends to do business as a licensee;

3. A statement as to the extent and scope of the applicant's alarm industry business and all other businesses in which the applicant is engaged in this state;

4. A recent photograph of a type prescribed by the ~~Board~~ Construction Industries Commission of the applicant, if the applicant is a sole proprietor, or of each officer and of each partner or shareholder who owns a twenty-five percent (25%) or greater interest in the applicant, if the applicant is an entity;

5. Two classifiable sets of fingerprints of the applicant, if the applicant is a sole proprietor, or of each officer and of each partner or shareholder who owns a twenty-five percent (25%) or greater interest in the applicant, if the applicant is an entity; and

6. Such other information, statements or documents as may be required by the ~~Board~~ Commission.

B. An applicant for an individual license shall provide such documents, statements, or other information as may be required by the ~~State Board of Health~~ Commission, including two classifiable sets of fingerprints of the applicant.

C. Fees for license and renewal issued pursuant to the Alarm Industry Act shall be adopted by the ~~Board~~ Commission pursuant to Section 1-106.1 of Title 63 of the Oklahoma Statutes. Provided, the fees provided for in this subsection shall not exceed Two Hundred Fifty Dollars ($250.00). An applicant shall pay the license fee at the time ~~he makes~~ of application.

SECTION 52. AMENDATORY 59 O.S. 1991, Section 1800.9, is amended to read as follows:

Section 1800.9 A. Upon making proper application, payment of the proper license fee, and certification of approval by the Committee, the ~~Commissioner of Health~~ Construction Industries

Commission shall issue a license to the applicant. The license shall be valid for a one-year term.

B. Renewal of a license shall not prohibit disciplinary proceedings for an act committed prior to the renewal.

C. The ~~State Board of Health~~ Commission may adopt a system under which licenses expire on various dates throughout the year. For any change in such expiration dates, license fees shall be prorated on an appropriate periodic basis.

SECTION 53. AMENDATORY 59 O.S. 1991, Section 1800.10, as amended by Section 4, Chapter 295, O.S.L. 1993 (59 O.S. Supp. 1999, Section 1800.10), is amended to read as follows:

Section 1800.10 A. A license shall not be altered or assigned.

B. A company license shall be posted in a conspicuous place in each alarm industry business location of the licensee.

C. A company licensee shall notify the Committee within fourteen (14) days of any change of information furnished on ~~his~~ the application for license or on ~~his~~ the license including, but not limited to, change of ownership, address, business activities, or any developments related to the qualifications of the licensee or the individual described in Section 1800.7 of this title. If the licensee for any reason ceases to engage in an alarm industry business in this state, the licensee shall notify the Committee within fourteen (14) days of such cessation. If the required notice of cessation is not given to the Committee within fourteen (14) days, the license may be suspended or revoked by the ~~Commissioner~~ Construction Industries Commission on recommendation of the Committee.

D. No person shall represent falsely that he or she is licensed or employed by a licensee.

E. Each company licensee shall maintain a record containing such information relative to ~~his~~ employees as may be required by the ~~Board~~ Commission.

SECTION 54. AMENDATORY 59 O.S. 1991, Section 1800.13, is amended to read as follows:

Section 1800.13 A. The ~~Commissioner of Health~~ Construction Industries Commission, on recommendation of the Committee, may suspend any license, upon the conviction of any individual named on the license or on the application for license of a felony, for a period not to exceed thirty (30) days pending a full investigation by the Committee. Such investigation shall be initiated within the thirty-day period of the suspension. A final determination by the Committee shall result in either removal of the suspension or such sanction as the ~~Commissioner~~ Commission considers appropriate, as provided by the Alarm Industry Act.

B. The ~~Commissioner~~ Commission may revoke or suspend any license, reprimand any licensee, or deny any application for license or renewal if, in the judgment of the Committee:

1. The applicant or licensee has violated any provision of the Alarm Industry Act or any rule ~~or regulation~~ promulgated hereunder;

2. The applicant or licensee has committed any offense resulting in ~~his~~ conviction of a felony or crime involving moral turpitude. Provided, however, if the applicant has had no felony convictions at least five (5) years prior to making application for a license and ~~said applicant~~ has shown the Committee that ~~he~~ the applicant has been rehabilitated, the Committee may recommend ~~said~~ the applicant for a license;

3. The applicant or licensee has practiced fraud, deceit, or misrepresentation;

4. The applicant or licensee has made a material misstatement in any information required by the ~~State Board of Health~~ Commission; or

5. The applicant or licensee has demonstrated incompetence or untrustworthiness in his or her actions.

C. The Committee shall, before final action under subsection B of this section, provide thirty (30) days of written notice to the applicant or licensee involved~~,~~ of the action intended and give sufficient opportunity for such person to request a hearing before the Committee and the ~~Commissioner~~ Commission and to be represented by an attorney. A hearing shall be scheduled by the Committee if so requested.

D. In the event the ~~Commissioner~~ Commission denies the application for, or revokes or suspends, any license or imposes any reprimand, a record of such action shall be in writing and officially signed by the ~~Commissioner~~ chair of the Commission or the chair's designee. The original copy shall be filed with the ~~Board~~ Commission and a copy mailed to the affected applicant or licensee within two (2) days of the final action taken by the ~~Commissioner~~ Commission.

E. Notice of the suspension or revocation of any license by the ~~Commissioner~~ Commission shall be sent by the Committee to law enforcement agencies and fire departments in the principal areas of operation of the licensee.

F. A suspended license shall be subject to expiration and may be renewed as provided by the Alarm Industry Act, regardless of suspension. Provided, such renewal shall not remove the suspension.

G. A revoked license terminates on the date of revocation and cannot be reinstated. Provided, the ~~Commissioner~~ Commission may reverse the revocation action. Any licensee whose license is revoked shall apply for a new license and meet all requirements for a license as stated in the Alarm Industry Act prior to engaging in any alarm industry business activities. The Committee and the ~~Commissioner~~ Commission shall take action on the new application and

may require additional safeguards against such acts by the applicant as may have been the cause of the revocation of the prior license.

SECTION 55. AMENDATORY 59 O.S. 1991, Section 1800.14, is amended to read as follows:

Section 1800.14 There is hereby created in the State Treasury a revolving fund for the ~~State Department of Health~~ Construction Industries Commission, to be designated the "Alarm Industry Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the ~~Department~~ Commission pursuant to the Alarm Industry Act. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the ~~Department~~ Commission for the purpose of implementing the Alarm Industry Act. Expenditures from said 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 56. AMENDATORY 59 O.S. 1991, Section 1800.16, as amended by Section 1, Chapter 330, O.S.L. 1996 (59 O.S. Supp. 1999, Section 1800.16), is amended to read as follows:

Section 1800.16 A. Any individual or person who is found to be in violation of the provisions of the Alarm Industry Act, upon conviction, shall be guilty of a misdemeanor and shall be punished by confinement in the county jail for a period not to exceed one (1) year or by the imposition of a fine not to exceed Five Hundred Dollars ($500.00), or by both such imprisonment and fine.

B. 1. In addition to any other penalties provided by law, if after a hearing in accordance with Article II of the Administrative Procedures Act, the ~~State Commissioner of Health~~ Construction Industries Commission finds any person to be in violation of any of the provisions of the Alarm Industry Act or the rules promulgated pursuant thereto, the person may be subject to an administrative fine of not more than Two Hundred Dollars ($200.00) for each

violation. Each day a person is in violation may constitute a separate violation. The maximum fine shall not exceed One Thousand Dollars ($1,000.00).

2. All administrative fines collected pursuant to the provisions of this subsection shall be deposited in the Alarm Industry Revolving Fund.

SECTION 57. AMENDATORY Section 2, Chapter 330, O.S.L. 1996 (59 O.S. Supp. 1999, Section 1800.17), is amended to read as follows:

Section 1800.17. The ~~State Board of Health~~ Construction Industries Commission is hereby authorized to promulgate, adopt, amend, and repeal rules consistent with the provisions of the Alarm Industry Act for the purpose of governing the establishment and levying of administrative fines and the examination and licensure of alarm companies, managers, technicians, and salespersons.

SECTION 58. AMENDATORY 59 O.S. 1991, Section 1850.1, is amended to read as follows:

Section 1850.1 ~~Sections 2 through 14~~ Section 1850.1 et seq. of this ~~act~~ title shall be known and may be cited as the "Mechanical Licensing Act".

SECTION 59. AMENDATORY 59 O.S. 1991, Section 1850.2, as last amended by Section 10, Chapter 405, O.S.L. 1999 (59 O.S. Supp. 1999, 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.~~ 3. "Commission" means the Construction Industries Commission created pursuant to Section 2 of this act;

4. "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.~~ 5. "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.~~ 6. "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.~~ 7. "Mechanical journeyman" or "journeyman" means any person other than a contractor or apprentice who engages in mechanical work;

~~9.~~ 8. "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.~~ 9. "Mechanical firm" means any corporation, partnership, association, proprietorship, limited liability company, or other business entity which plans or engages, or offers to engage, in mechanical work for another within this state;

~~11.~~ 10. "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 other than minor repairs to such systems;

~~12.~~ 11. "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.~~ 12. "Sheet metal" means the erection, installation and repairing of all ferrous or nonferrous duct work and all other materials used in all air conditioning;

~~14.~~ 13. "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.~~ 14. "Variance and Appeals Board" means the Oklahoma State Mechanical Installation Code Variance and Appeals Board.

SECTION 60. AMENDATORY 59 O.S. 1991, Section 1850.3, is amended to read as follows:

Section 1850.3 The ~~Board~~ Construction Industries Commission shall have the power and duty to:

1. Promulgate, prescribe, amend, and repeal rules ~~and regulations~~ necessary to implement the provisions of the Mechanical Licensing Act including, but not limited to, defining categories and limitations for such licenses~~,~~ and for registration of apprentices, and establishing bonding and insurance requirements precluding municipal requirements;

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

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

SECTION 61. AMENDATORY Section 9, Chapter 293, O.S.L. 1994 (59 O.S. Supp. 1999, Section 1850.3a), is amended to read as follows:

Section 1850.3a The ~~State Commissioner of Health~~ Construction Industries Commission shall establish by rule a process for the

formal review of the plans and specifications for a project prior to bid dates for the project to ensure that the project plans and specifications are in conformance with applicable plumbing, electrical and mechanical installation codes. The rule shall provide that the review shall be completed in a timely manner, not to exceed fourteen (14) calendar days from the date of the submission of a completed application for review which is accompanied by the review fee not to exceed Two Hundred Dollars ($200.00) to be established by the rule. Upon completion of the review, the plans and specifications shall be returned to the applicant with documentation indicating either approval of plans and specifications which are in compliance with the applicable codes, or modifications which must be made to bring the plans and specifications into conformance. Submission of such plans and specifications for review by the ~~Department~~ Commission shall be voluntary.

SECTION 62. AMENDATORY 59 O.S. 1991, Section 1850.4, as last amended by Section 10, Chapter 293, O.S.L. 1994 (59 O.S. Supp. 1999, Section 1850.4), is amended to read as follows:

Section 1850.4 A. There is hereby established the Committee of Mechanical Examiners, which shall consist of five (5) members. All members shall be citizens of the United States and shall be residents of this state. Members shall hold office for terms of two (2) years or until their successors have been appointed and qualified.

B. ~~Four (4) members of the Committee shall be appointed by the Board.~~

~~1. One member of the Committee shall be a contractor;~~

~~2. One member of the Committee shall be a journeyman. Such members shall have at least five (5) years' actual experience in mechanical work.~~

~~3. Two members shall be lay members.~~

~~C. 1. In making the initial appointments, the Board shall designate two members for terms expiring in 1988 and two members for terms expiring in 1989. The Board shall make the initial appointments to the Committee by December 1, 1987. Thereafter, the~~

~~2. Beginning July 1, 1993, as the terms of these members expire, the positions of the contractor member and the lay member whose term first expires shall be filled by appointment by the Speaker of the House of Representatives and the positions of the journeyman member and the lay member whose term next expires shall be filled by appointment by the President Pro Tempore of the Senate, pursuant to subsection E of this section.~~

~~D. 1. The fifth member of the Committee shall be an employee of the Department who shall be appointed by the Commissioner of Health C.~~

~~2. Beginning July 1, 1993, such member shall be replaced by a lay member appointed pursuant to subsection E of this section.~~

~~E. Beginning July 1, 1993, members~~ Members of the Committee shall be appointed as follows:

1. Two members shall be appointed by the President Pro Tempore of the Senate and shall be mechanical journeymen with five (5) years' actual experience in mechanical work as journeymen;

2. Two members shall be appointed by the Speaker of the House of Representatives and shall be mechanical contractors with five (5) years' actual experience in mechanical work as contractors; and

3. One member shall be a lay member appointed by the ~~Commissioner of Health~~ Construction Industries Commission. Provided, the person serving in this position on January 1, 2001, may elect to continue to serve until the end of the term of office and until a successor has been appointed and qualified.

~~F. Members appointed pursuant to subsection E of this section shall hold office for terms of two (2) years and until their successors have been appointed and qualified.~~

C. Any vacancy on the Committee shall be filled for the unexpired term within thirty (30) days in the manner in which that position was originally filled. Members may be removed for misconduct, ~~incompetency~~ incompetence, or neglect of duty.

~~G.~~ D. A majority of the Committee shall constitute a quorum for the transaction of business, and the Committee shall elect a ~~chairman~~ chair from its number. Each member shall receive travel expenses in accordance with the provisions of the State Travel Reimbursement Act. The Committee shall meet at least quarterly to conduct examinations, and special meetings may be called by the ~~chairman~~ chair or the ~~Commissioner of Health~~ Commission.

~~H.~~ E. The Committee shall:

1. Assist and advise the ~~Board~~ Commission on all matters pertaining to the formation of rules ~~and regulations~~ pursuant to the provisions of the Mechanical Licensing Act;

2. Assist and advise the ~~Department~~ Commission on the examinations for applicants for licenses as a mechanical contractor or journeyman and on all matters relating to the licensing of mechanical contractors and mechanical journeymen and the registering of mechanical apprentices; and

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

SECTION 63. AMENDATORY 59 O.S. 1991, Section 1850.5, as last amended by Section 11, Chapter 293, O.S.L. 1994 (59 O.S. Supp. 1999, Section 1850.5), is amended to read as follows:

Section 1850.5 The ~~Department~~ Construction Industries Commission shall have the power and duty to:

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

2. Register apprentices;

3. Enter upon public and private property for the purpose of inspecting workers' licenses and mechanical work for compliance with

the provisions of the Mechanical Licensing Act and of the rules ~~and regulations~~ of the ~~Board~~ Commission promulgated pursuant thereto;

4. Employ personnel to conduct investigations and inspections;

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

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

7. Investigate complaints and hold hearings;

8. Initiate disciplinary proceedings, request prosecution of and initiate injunctive proceedings against any person who violates any of the provisions of ~~this act~~ the Mechanical Licensing Act or any rule promulgated pursuant ~~to this act~~ thereto;

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

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

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

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

SECTION 64. AMENDATORY 59 O.S. 1991, Section 1850.7, is amended to read as follows:

Section 1850.7 ~~After January 1, 1988, no~~ No person~~, on behalf of himself or of a mechanical firm,~~ shall engage or offer to engage in, by advertisement or otherwise, any mechanical work as a journeyman or contractor who does not possess a valid and appropriate license from the ~~Department~~ Construction Industries

Commission. No business entity shall act as a mechanical firm unless a contractor is associated with and responsible for all mechanical work of such entity.

SECTION 65. AMENDATORY 59 O.S. 1991, Section 1850.8, as last amended by Section 11, Chapter 405, O.S.L. 1999 (59 O.S. Supp. 1999, 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~~ The Construction Industries Commission 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),

c. apprentice registration Fifteen Dollars ($15.00), and

d. apprentice registration renewal Fifteen Dollars ($15.00).

B. 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~~ Commission. 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. 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.

C. The ~~Department~~ Commission 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.

SECTION 66. AMENDATORY 59 O.S. 1991, Section 1850.9, as amended by Section 13, Chapter 405, O.S.L. 1999 (59 O.S. Supp. 1999, Section 1850.9), is amended to read as follows:

Section 1850.9 A. The ~~State Department of Health~~ Construction Industries Commission, 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~~ Commission that the applicant is:

1. Sixteen (16) years of age or older; and

2. Enrolled in a school or training course for mechanical apprentices recognized by the ~~Department~~ Commission, or has arranged for employment as a mechanical apprentice with a licensed mechanical contractor.

B. Apprentice registration certificates shall expire 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 67. AMENDATORY 59 O.S. 1991, Section 1850.13, as amended by Section 9, Chapter 236, O.S.L. 1993 (59 O.S. Supp. 1999, Section 1850.13), is amended to read as follows:

Section 1850.13 There is hereby created in the State Treasury a revolving fund for the ~~Oklahoma State Department of Health~~

Construction Industries Commission, to be designated the "Oklahoma Mechanical Licensing Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the ~~Department~~ Commission pursuant to the Mechanical Licensing Act, including administrative fines authorized by Section ~~8~~ 1850.11 of this ~~act~~ title. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the ~~Department~~ Commission for the purpose of implementing the Mechanical Licensing Act. Expenditures from said 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 68. AMENDATORY 59 O.S. 1991, Section 1850.14, as amended by Section 3, Chapter 251, O.S.L. 1993 (59 O.S. Supp. 1999, Section 1850.14), is amended to read as follows:

Section 1850.14 A. The ~~Department~~ Construction Industries Commission 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~~ 308a 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 apprentice or mechanical firm. The ~~Department~~ Commission 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~~ Obtaining 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 or mechanical contractor;

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

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

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

D. Notwithstanding any other provision of law, a 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 code and the installation of all mechanical work done in that political subdivision, subject to the provisions of the Oklahoma Inspectors Act, Section 1031 et seq. of Title 59 of the Oklahoma Statutes. Provided, a state inspector may work directly with a mechanical contractor, mechanical journeyman, mechanical 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~~ Commission shall have jurisdiction over such matters.

F. 1. No individual, business, company, corporation, association, limited liability company or other 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~~ Commission. A notice form for reproduction by an individual or entity required to make such notice shall be provided by the ~~Commissioner of Health~~ Commission upon request.

2. Notice to the ~~Commissioner of Health~~ Commission 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~~ Commission.

SECTION 69. AMENDATORY Section 13, Chapter 293, O.S.L. 1994 (59 O.S. Supp. 1999, Section 1850.16), is amended to read as follows:

Section 1850.16 A. 1. There is hereby created the Oklahoma State Mechanical Installation Code Variance and Appeals Board. The Variance and Appeals Board shall hear testimony and shall review sufficient technical data submitted by an applicant to substantiate the proposed installation of any material, assembly or manufacturer-engineered components, equipment or system that is not specifically prescribed by an appropriate installation code, an industry consensus standard or fabricated or installed according to recognized and generally accepted good engineering practices, where no ordinance or regulation of a governmental subdivision applies.

If it is determined that the evidence submitted is satisfactory proof of performance for the proposed installation, the Variance and Appeals Board shall approve such alternative, subject to the requirements of the appropriate installation code. Applications for the use of an alternative material or method of construction shall be submitted in writing to the ~~State Commissioner of Health~~ Construction Industries Commission for approval prior to use. Applications shall be accompanied by a filing fee, not to exceed Fifty Dollars ($50.00), as set by rule of the ~~State Board of Health~~ Commission.

2. The Variance and Appeals Board shall also hear appeals from contractors, licensed by the ~~Occupational Licensing Service of the State Department of Health~~ Commission, and any person who has ownership interest in or is in responsible charge of the design of or work on the installation, who contest the ~~Department's~~ Commission's interpretation of the state's model mechanical installation code as applied to a particular installation. Such appeals shall be based on a claim that:

a. the true intent of the installation code has been incorrectly interpreted,

b. the provisions of the code do not fully apply, or

c. an equal or better form of installation is proposed.

Such appeals to the Variance and Appeals Board shall be made in writing to the ~~State Commissioner of Health~~ Commission within fourteen (14) days after a code interpretation or receipt of written notice of the alleged code violation by the licensed contractor.

B. The Variance and Appeals Board shall consist of the ~~State Commissioner of Health or his or her~~ Commission's designated representative and the following members who, except for the State Fire Marshal or designee, shall be appointed by the ~~Commissioner~~ Commission from a list of names submitted by the professional

organizations of the professions represented on the Board and who shall serve at the pleasure of the ~~Commissioner~~ Commission:

1. Two members shall be appointed from the Committee of Mechanical Examiners; one shall be a contractor with five (5) years of experience and one shall be a journeyman with five (5) years of experience;

2. One member shall be a registered design professional who is a registered architect with at least ten (10) years of experience, five (5) of which shall have been in responsible charge of work;

3. One member shall be a registered design professional with at least ten (10) years of structural engineering or architectural experience, five (5) of which shall have been in responsible charge of work;

4. One member shall be a registered design professional with mechanical or plumbing engineering experience; provided, such member shall have at least ten (10) years of experience, five (5) of which shall have been in responsible charge of work;

5. One member shall be a registered design professional with electrical engineering experience; provided, such member shall have at least ten (10) years of experience, five (5) of which shall have been in responsible charge of work; and

6. One member shall be the State Fire Marshal or a designee of the State Fire Marshal.

Provided, any member serving on the Board on January 1, 2001, may continue to serve on the Board until a replacement is appointed by the Commission.

C. Members, except the ~~Commissioner~~ Commission's designee and the State Fire Marshal, ~~the Commissioner's and State Fire Marshal's~~ their designated representatives, and employees of the ~~Department~~ Commission, shall be reimbursed for travel expenses pursuant to the State Travel Reimbursement Act~~, Section 500.1 et seq. of Title 74 of~~

~~the Oklahoma Statutes,~~ from the revolving fund created pursuant to Section 1850.13 of Title 59 of the Oklahoma Statutes.

D. The Variance and Appeals Board shall meet after the ~~Commissioner~~ Commission receives proper application for a variance, accompanied by the filing fee, or proper notice of an appeal, as provided in subsection A of this section.

E. The ~~State Commissioner of Health, or the Commissioner's~~ Commission's designated representative, shall serve as chair of the Variance and Appeals Board. A majority of the members of the Variance and Appeals Board shall constitute a quorum for the transaction of the business of the Board.

SECTION 70. AMENDATORY Section 14, Chapter 405, O.S.L. 1999 (59 O.S. Supp. 1999, Section 1860), is amended to read as follows:

Section 1860. A. The ~~State Department of Health~~ Construction Industries Commission 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 71. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section _____ of Title __, unless there is created a duplication in numbering, reads as follows:

Not later than July 1, 2000, the Governor shall appoint an Interim Executive Director to serve the Construction Industries Commission until the Commission employs an Executive Director. For the months of July and August 2000, the Interim Executive Director shall be paid from funds available to the State Department of Health. Effective September 1, 2000, the Interim Executive Director, and thereafter the Executive Director, shall be paid from funds available to the Commission.

SECTION 72. Sections 1 through 5 and 71 of this act shall become effective July 1, 2000.

SECTION 73. Sections 6 through 70 of this act shall become effective January 1, 2001.

SECTION 74. 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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