

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2554

By: Nations

COMMITTEE SUBSTITUTE

An Act relating to contracts; enacting the Fair Assessment and Remediation Act; referencing the act as part of the Oklahoma Consumer Protection Act; providing definitions; prohibiting performance of certain services; providing exception; requiring mold assessors and mold remediators to distribute certain materials; providing for codification; providing an effective date; 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 765.10 of Title 15, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Fair Assessment and Remediation Act" and shall be considered a part of the Oklahoma Consumer Protection Act. Any violation of the Fair Assessment and Remediation Act shall constitute an unlawful business practice and shall be subject to the provisions of the Oklahoma Consumer Protection Act.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 765.11 of Title 15, unless there is created a duplication in numbering, reads as follows:

A. As used in the Fair Assessment and Remediation Act:

1. "Mold" means any fungi or related products or parts, including, spores, hyphae and mycotoxins;

2. "Mold assessment" means the performance of mold assessments, investigations, or surveys; the development of mold management plans

or response actions; or the collection or analysis of mold samples;
and

3. "Mold remediation" means the removal, cleaning or other treatment of mold or mold contaminated matter, live or dead, that was not intended or purposely grown at that location.

B. Any person that engages in the practice of mold assessment or mold remediation, or any person related within the third degree by affinity or consanguinity to such person, shall not perform both services or interchange services for a consumer on the same property or structure. However, if the total cost to be assessed and remediated does not exceed Two Hundred Dollars (\$200.00), then the consumer may consent to the assessment and remediation by the same person or persons.

C. Any person that engages in the practice of mold assessment and remediation shall abide by any public statewide education program that may be developed in concert by the Oklahoma State Department of Health, Department of Environmental Quality, and Oklahoma Department of Labor by distributing to each contracting consumer any educational materials that may be made available by such program.

SECTION 3. This act shall become effective July 1, 2004.

SECTION 4. 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.

49-2-8577

MD

02/19/04