

and

Nichols of the Senate

An Act relating to contracts; prohibiting performance of certain services; providing exception; requiring mold assessors and mold remediators to distribute certain materials; allowing certain participation by the Oklahoma Real Estate Commission; referencing the section as part of the Oklahoma Consumer Protection Act; providing definitions; 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:

A. 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.

B. 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.

C. The Oklahoma Real Estate Commission may participate in the distribution of any available educational materials by developing any necessary rules for the distribution by those licensed pursuant to the Oklahoma Real Estate License Code.

D. This section shall be considered a part of the Oklahoma Consumer Protection Act. Any violation of this section shall constitute an unlawful business practice and shall be subject to the provisions of the Oklahoma Consumer Protection Act.

E. As used in the this section:

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.

SECTION 2. This act shall become effective July 1, 2004.

SECTION 3. 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.

Passed the House of Representatives the 10th day of March, 2004.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2004.

Presiding Officer of the Senate