STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2379 By: Wilt

AS INTRODUCED

An Act relating to professions and occupations; amending 59 O.S. 2001, Sections 1689 and 1692, which relate to the Electrical License Act; modifying certain notice requirements; adding exemption to the act; amending 59 O.S. 2001, Sections 1850.10, as amended by Section 8, Chapter 163, O.S.L. 2004 and 1850.14 (59 O.S. Supp. 2005, Section 1850.10), which relate to the Mechanical Licensing Act; modifying licensing requirements for certain entities; modifying certain notice requirement; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2001, Section 1689, is amended to read as follows:

Section 1689. A. The Construction Industries Board 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 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 or order prescribed by the Board or any ordinance 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C. Any person whose license or registration has been revoked by the Electrical Hearing Board may apply for a new license one (1) year from the date of such revocation.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 of this title or pursuant to the provisions of the Oklahoma Inspectors Act 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. 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 of this title or pursuant

to the provisions of the Oklahoma Inspectors Act for such work, the Construction Industries Board shall have jurisdiction over such matters.

F. 1. No individual, business, company, corporation, association or other entity subject to the provisions of the Electrical License Act 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 of this title or pursuant to the provisions of the Oklahoma Inspectors Act for such work without providing notice of such electrical work to the Construction Industries Board. A notice form for reproduction by an individual or entity required to make such notice shall be provided by the Construction Industries Board upon request.

2. Notice to the Construction Industries Board 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 the Electrical License Act, or under authority granted to the Construction Industries Board.

SECTION 2. AMENDATORY 59 O.S. 2001, Section 1692, is amended to read as follows:

Section 1692. A. The provisions of the Electrical License Act shall not apply to:

1. Minor repairs, consisting of repairing or replacing outlets or minor working parts of electrical fixtures;

2. Maintenance work for state and federal institutions;

3. The construction, installation, maintenance, repair and renovation by a public utility regulated by the Corporation Commission;

4. Public service corporations, telephone and telegraph companies, rural electric associations or municipal utilities;

5. The construction, installation, maintenance, repair, and renovation by a petroleum refinery or its research facilities;

6. The construction, installation, maintenance, repair and renovation of telephone equipment or computer systems by a person, firm, or corporation engaged in the telecommunications or information systems industry when such activities involve work exclusively for communication of data, voice, or for other signaling purposes; except fire alarm systems, security systems and environmental control systems that are not an integral part of a telecommunications system; or

~~6.~~ 7. The installation, maintenance, repair or replacement of water supply pumps, provided such work is performed from the output side of a fused disconnect or breaker box.

B. Nothing in the Electrical License Act shall be construed to require:

1. Employment of a licensed electrical contractor, journeyman electrician or electrical apprentice except as required by local ordinances and resolutions;

2. Any regular employee of any firm or corporation to hold a license before doing any electrical work on the property of the firm or corporation whether or not the property is owned, leased or rented except as may be required by local ordinances and resolutions; or

3. An individual to hold a license before doing electrical work on his own property or residence except as may be required by local ordinances and resolutions.

SECTION 3. AMENDATORY 59 O.S. 2001, Section 1850.10, as amended by Section 8, Chapter 163, O.S.L. 2004 (59 O.S. Supp. 2005, Section 1850.10), is amended to read as follows:

Section 1850.10 A. 1. No person shall install, replace or repair gas piping unless such person is licensed under the Mechanical Licensing Act or is licensed as a plumbing contractor or journeyman plumber pursuant to the laws of this state.

2. No person shall install, replace or repair floor furnaces or wall heaters unless such person is licensed under the Mechanical Licensing Act or is licensed as a plumbing contractor or journeyman plumber pursuant to the laws of this state.

3. No person shall install, replace or repair any radiant-floor heating systems unless such person is licensed under the Mechanical Licensing Act or is licensed as a plumbing contractor or journeyman plumber pursuant to the laws of this state.

B. The Mechanical Licensing Act shall not apply to:

1. A person who is the property owner of record, or his or her authorized representative, when performing minor repair which shall include, but not be limited to, cleaning, adjusting, calibrating and repair of mechanical system parts and the replacement of fuses and room thermostats, and other minor repairs which shall not include any repair which could violate the safe operation of the equipment;

2. The installation of portable, self-contained, ductless air conditioners or heaters;

3. The setting or connecting of detached air conditioning units which utilize flexible ductwork on a manufactured home. The term manufactured home shall have the same definition as such term is defined in Section 1102 of Title 47 of the Oklahoma Statutes;

4. Any permanent employee of a manufacturing facility, whether owned or leased, while performing mechanical work on the premises of such facility. The performance of such mechanical work authorized by this paragraph shall not violate any manufacturer specification or compromise any health or safety standards and practices in accordance with state and federal regulations;

5. The service, repair and installation of boilers, pressure vessels and welded steam lines which are subject to the jurisdiction of the Commissioner of Labor pursuant to the provisions of Sections 141.1 through 141.18 of Title 40 of the Oklahoma Statutes; or

6. Employees of state-owned institutions doing maintenance to state-owned facilities which does not violate manufacturer specifications nor compromise health or safety standards and practices.

C. The licensing requirements of the Mechanical Licensing Act shall not apply to public utilities, public service corporations, petroleum refineries, intrastate gas pipeline companies, gas gathering pipeline companies, gas processing companies, rural electric associations, or municipal utilities and their subsidiaries during work on their own facilities or during the performance of energy audits, operational inspections, minor maintenance, or minor repairs for their customers or on their own equipment.

D. The licensing requirements of the Mechanical Licensing Act shall not apply to employees of chemical plants, and gas processing plants~~, and petroleum refineries~~ during work on their own facilities or during the performance of operational inspections, mechanical work, maintenance, or repairs on their own equipment, the performance of which does not violate any manufacturer specification or compromise any health or safety standards and practices in accordance with state and federal regulations.

E. The licensing requirements of the Mechanical Licensing Act shall not apply to employees of research facilities during work on their own facilities or during the performance of operational inspections, mechanical work, maintenance, or repairs on their own equipment used solely for research purposes when such items of equipment require one or more details of construction not covered by normally used national codes and standards or which involve destruction or reduce life of the equipment and systems.

SECTION 4. AMENDATORY 59 O.S. 2001, Section 1850.14, is amended to read as follows:

Section 1850.14 A. The Construction Industries Board and the Committee of Mechanical Examiners shall act as the Mechanical Hearing Board and shall comply with the provisions of Article II of the Administrative Procedures Act.

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 Construction Industries Board 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. 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 or order prescribed by the Construction Industries Board 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 of this title or pursuant to the Oklahoma Inspectors Act 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. 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 of this title or pursuant to the Oklahoma Inspectors Act for such work, the Board 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 the Mechanical Licensing Act 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 of this title or pursuant to the Oklahoma Inspectors Act for such work without providing notice of such mechanical work to the Board. A notice form for reproduction by an individual or entity required to make such notice shall be provided by the Board upon request.

2. Notice to the Board 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 the Mechanical Licensing Act, or under authority granted to the Board.

SECTION 5. This act shall become effective November 1, 2006.

50-2-8624 JR 01/12/06