

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 261

By: Coates

AS INTRODUCED

An Act relating to labor; amending 40 O.S. 2001, Sections 141.6 and 141.16, as amended by Section 1, Chapter 554, O.S.L. 2004 (40 O.S. Supp. 2004, Section 141.16), which relate to the Boiler and Pressure Vessel Safety Act; modifying license requirement; clarifying references; modifying exemptions; clarifying certain evidence requirements; excepting certain fee from transfer to certain fund; directing deposit of fee; providing for use of fee; and providing an effective date.

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

SECTION 1. AMENDATORY 40 O.S. 2001, Section 141.6, is amended to read as follows:

Section 141.6 A. All firms ~~or~~, corporations or persons engaged in the service, repair and/or installation of boilers or pressure vessels located in this state shall be licensed by the Commissioner of Labor to perform such work. Provided, no license shall be required for any firms ~~or~~, corporations or persons engaged in the service, repair and/or installation of hot water supply heaters as provided in ~~paragraph 12 of subsection A of Section 2 of this act~~ Section 141.2 of this title, or any owner, user or their full time employees, while engaged in the performance of routine repairs and maintenance. The Commissioner ~~of Labor~~ shall abide by any existing code of installation presently adopted or as may be hereinafter adopted by this state or its agencies or by any county, municipality or school district as pertains to hot water supply heaters. The annual license fee shall be payable in advance on or before January 31 of each calendar year. Each firm ~~or~~, corporation or person

covered by the licensing provision of this section must furnish evidence suitable to the Commissioner that they are qualified to perform such work.

B. All hearings for the issuance or revocations of license under this section shall comply with the Oklahoma Administrative Procedures Act.

C. Any person who shall violate any of the provisions of this act or who violates any rule or order of the Commissioner pursuant to this act shall be guilty of a misdemeanor, and in addition thereto, may be enjoined from continuing such action. Each day upon which such violation occurs shall constitute a separate violation.

SECTION 2. AMENDATORY 40 O.S. 2001, Section 141.16, as amended by Section 1, Chapter 554, O.S.L. 2004 (40 O.S. Supp. 2004, Section 141.16), is amended to read as follows:

Section 141.16

A. 1. a. Annual certificate of operation fee shall be as follows:

- | | |
|---|---------|
| (1) with manway state inspector | \$50.00 |
| (2) without manway state inspector | \$25.00 |
| (3) any size special - or owner/user
inspector | \$25.00 |

b. Only one certificate of operation fee per year may be charged; except an additional fee equal to the certificate of operation fee may be charged for witnessing a hydrostatic test required after repairs, provided a fee equal to the total fees identified in division (1) or (2) of subparagraph a of this paragraph, whichever is appropriate, and subparagraph f of paragraph 2 of this subsection may be charged when the pressure-retaining item is not prepared and ready pursuant to rules promulgated by the Commissioner of Labor at the time of the inspection.

2. Other Fees

- a. hydrostatic test of steam pipeline per day \$150.00
(for each additional half-day or
part thereof) \$75.00
- b. shop review fees \$1,250.00
- c. licensing fees
 - (1) repair, service, install (annually) \$50.00
 - (2) installer technician
(one-time issuance) \$50.00
 - (3) boiler operator (biennially) \$50.00
- d. certificate of competency fee \$15.00
- e. examination fee \$50.00
- f. boiler or pressure vessel inspection
fee for certificate inspections by
state inspectors \$100.00
- g. authorized inspector services for weld
repairs or alterations, per eight-hour
day or part thereof \$300.00
- h. a fee as established by rule may be
assessed for the issuance of duplicate
licenses and certificates, not to exceed \$10.00

B. All institutions owned or operated by the State of Oklahoma or its agencies or by any county, municipality or school district, and such institutions or agencies, and all owners or users of boilers or pressure vessels of historical significance as specified in subsection D of Section 141.5 of this title are exempt from the payment of any fees provided for in this section.

C. 1. The Commissioner shall account for and transfer all fees, except for the fees listed in ~~subparagraphs~~ subparagraph b, division (3) of subparagraph c, and subparagraphs g~~7~~ and h of paragraph 2 of subsection A of this section, so received to the

State Treasury to the credit of the General Revenue Fund, together with a detailed report of same.

2. Shop review fees, authorized inspector services fees, boiler operator licensing fees, and duplicate license and certificate fees shall be deposited to the Department of Labor Revolving Fund created pursuant to Section 141.19 of this title.

3. The shop review fees, authorized inspector services fees, boiler operator licensing fees, and duplicate license and certificate fees shall be used for conducting shop reviews, authorized inspector services and for administrative costs.

D. All fees shall be paid directly to the Department of Labor.

SECTION 3. This act shall become effective November 1, 2005.

50-1-971

LKS

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