

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 45

By: Coates of the Senate

3 and

4 Sears of the House

5

6

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2001, Sections 1000.5, as amended by
9 Section 2, Chapter 457, O.S.L. 2002, 1002, as amended
10 by Section 7, Chapter 318, O.S.L. 2003, 1009, as
11 amended by Section 8, Chapter 318, O.S.L. 2003, 1010,
12 1019, 1683, as amended by Section 7, Chapter 457,
13 O.S.L. 2002, 1688, as last amended by Section 12,
14 Chapter 318, O.S.L. 2003, 1689, 1850.8, as last
15 amended by Section 7, Chapter 163, O.S.L. 2004,
16 1850.8A, 1850.13, as amended by Section 9, Chapter
17 163, O.S.L. 2004, and 1850.14 (59 O.S. Supp. 2006,
18 Sections 1000.5, 1002, 1009, 1683, 1688, 1850.8 and
19 1850.13), which relate to the Construction Industries
20 Board, The Plumbing License Law of 1955, the
21 Electrical License Act, and the Mechanical Licensing
22 Act; * * * providing for recodification; and
23 providing an effective date.
24

16

17

18 AMENDMENT NO. 1. Strike the title, enacting clause and entire bill
and insert

19

20 "An Act relating to professions and occupations;
21 amending 59 O.S. 2001, Sections 1000.5, as amended
22 by Section 2, Chapter 457, O.S.L. 2002, 1002, as
23 amended by Section 7, Chapter 318, O.S.L. 2003,
24 1009, as amended by Section 8, Chapter 318, O.S.L.
2003, 1010, 1019, 1683, as amended by Section 7,
Chapter 457, O.S.L. 2002, 1688, as last amended by
Section 12, Chapter 318, O.S.L. 2003, 1689, 1692,
1850.8, as last amended by Section 7, Chapter 163,
O.S.L. 2004, 1850.8A, 1850.13, as amended by Section

1 9, Chapter 163, O.S.L. 2004 and 1850.14 (59 O.S.
2 Supp. 2006, Sections 1000.5, 1002, 1009, 1683, 1688,
3 1850.8 and 1850.13), which relate to the
4 Construction Industries Board, The Plumbing License
5 Law of 1955, the Electrical License Act, and the
6 Mechanical Licensing Act; authorizing certain fee
7 and providing range of fee; providing for certain
8 license or registration issuance or renewal paid for
9 by dishonored checks; authorizing the Construction
10 Industries Board to provide for rules relating to
11 certain minimum standards of plumbing installation;
12 modifying provisions relating to certain bonding
13 requirements; modifying requirements for certain
14 license expiration dates and renewals; stating
15 certain registrations are subject to the Plumbing
16 Hearing Board; modifying membership of Committee of
17 Electrical Examiners; providing for the conduct of
18 certain administrative hearings; making certain
19 hearing examiners' decisions final; providing for
20 certain appeals; prohibiting the Construction
21 Industries Board from exercising certain authority;
22 authorizing application for enjoining certain acts
23 or practices; providing for certain injunctions,
24 restraining orders or other orders by a court;
modifying membership of certain hearing boards;
modifying requirement for renewal of certain
licenses relating to continuing education; deleting
obsolete language; updating language; authorizing
certain fee to be established by rule; providing for
recodification; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2001, Section 1000.5, as
amended by Section 2, Chapter 457, O.S.L. 2002 (59 O.S. Supp. 2006,
Section 1000.5), is amended to read as follows:

Section 1000.5 A. The Construction Industries Board may
establish a system of fees to be charged for the application for
licenses, for the issuance and renewal of licenses and permits, for

1 administration of examinations ~~and~~, for formal project reviews and
2 dishonored checks under the Board's authority. This provision is
3 subject to the following limitations:

4 1. No schedule of fees may be established or amended by the
5 Board except during such times as the Legislature is in session;
6 provided, the Board may establish or amend a schedule of fees at a
7 time when the Legislature is not in session if the fees or schedule
8 of fees has been specifically authorized by the Legislature pursuant
9 to paragraph 2 of this subsection. The Board must follow the
10 procedures required by Article I of the Administrative Procedures
11 Act for adoption of rules in establishing or amending any such
12 schedule of fees; and

13 2. The Board shall charge fees only within the following
14 ranges, except as may be otherwise specified in this section.

- | | | |
|----|---------------------------------|------------------------|
| 15 | For application for license | not to exceed \$30.00 |
| 16 | For administration of license | |
| 17 | examinations: | not to exceed \$200.00 |
| 18 | For license or permit issuance: | not to exceed \$300.00 |
| 19 | For license or permit renewal: | not to exceed \$200.00 |
| 20 | For formal project review for | |
| 21 | code conformance: | not to exceed \$200.00 |
| 22 | For permit issuance for the use | |
| 23 | of alternative materials or | |
| 24 | methods: | not to exceed \$50.00 |

1 For dishonored checks:
2 not to exceed amount pursuant
3 to the provisions of Section
4 1121 of Title 47 of the
5 Oklahoma Statutes.

6 B. The Board shall base its schedule of fees upon the
7 reasonable costs of review and inspection services rendered in
8 connection with each license, permit, or review, but shall be within
9 the ranges specified in paragraph 2 of subsection A of this section,
10 except as otherwise specified in this section. The Board shall
11 establish a system of training for all personnel who render review
12 and inspection services in order to assure uniform statewide
13 application of rules. The Board shall include the reasonable costs
14 associated with such training in the fees provided for in this
15 section.

16 C. The Board may exempt by rule any class of licensee or
17 permittee from the requirements of the fee schedule if the Board
18 determines that the creation of such a schedule for any such class
19 would create an unreasonable economic hardship.

20 D. All statutory fees now in effect for the issuance and
21 renewal of any license, permit, or review under the authority of the
22 Construction Industries Board shall remain in effect until such time
23 as the Board, by its rulemaking authority, acts to implement new fee
24 schedules pursuant to the provisions of this section.

1 E. Unless otherwise provided, licenses and permits issued by
2 the Construction Industries Board shall be for a one-year period.

3 F. When, at the time of application or renewal of any license
4 or registration, payment is made by check for fees and the check is
5 not paid by the bank on which drawn for any reason, such license or
6 registration issued at that time shall be invalid. In all such
7 cases, the license or registration shall be subject to the license
8 or registration fees and penalties provided in subsection A of this
9 section and treated as though no attempt to apply for or renew a
10 license or registration had been made. The Board may charge and
11 collect from the licensee, registrant or other obligor of fees or
12 finer, a fee for each return by a bank or other depository
13 institution of a dishonored check, negotiable order of withdrawal or
14 share draft issued by the licensee, registrant or other obligor.

15 SECTION 2. AMENDATORY 59 O.S. 2001, Section 1002, as
16 amended by Section 7, Chapter 318, O.S.L. 2003 (59 O.S. Supp. 2006,
17 Section 1002), is amended to read as follows:

18 Section 1002. A. The Construction Industries Board is hereby
19 authorized, empowered, and directed to make, prescribe, enforce,
20 amend, and repeal rules governing the following:

21 1. The examination and licensing of persons desiring or
22 intending to engage in the business, trade or calling of plumbing
23 contractor or journeyman plumber;

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

3 3. The establishment and levying of administrative fines;

4 4. The initiation of disciplinary proceedings;

5 5. The requesting of prosecution of and initiation of
6 injunctive proceedings against any person who violates any of the
7 provisions of The Plumbing License Law of 1955 or any rule
8 promulgated pursuant to The Plumbing License Law of 1955; and

9 6. The establishment of minimum standards of plumbing
10 installation through the adoption of standards published by a
11 recognized code body; and

12 7. The establishment of bonding and insurance requirements for
13 the issuance of a license as a plumbing contractor; provided, such
14 rules shall not be inconsistent with the terms and conditions
15 hereinafter provided.

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

1 ~~the bond or documentation of cash or certificate of deposit filed in~~
2 ~~lieu of a bond shall be filed with the municipality prior to the~~
3 ~~commencement of any such work by the licensee~~ if required by local
4 ordinances or rules.

5 SECTION 3. AMENDATORY 59 O.S. 2001, Section 1009, as
6 amended by Section 8, Chapter 318, O.S.L. 2003 (59 O.S. Supp. 2006,
7 Section 1009), is amended to read as follows:

8 Section 1009. ~~Until June 30, 2004, no~~ No license shall be
9 issued for longer than one (1) year and all licenses shall expire on
10 ~~June 30th of each year and such~~ the last day in the birth month of
11 the licensee. Such licenses may be renewed upon application and
12 payment of fees within thirty (30) days preceding or following ~~June~~
13 ~~30th of each year, or~~ the date the license renewal is due.
14 ~~Beginning July 1, 2004, all licenses shall expire on the birth date~~
15 ~~of the licensee. The Construction Industries Board shall establish~~
16 ~~by rule a method for prorating license fees to coincide with the~~
17 ~~birth date of the licensee.~~ No journeyman or contractor license
18 shall be renewed unless the licensee has completed the required
19 hours of continuing education as determined and approved by the
20 Committee. ~~Such requirement may be satisfied by completing a course~~
21 ~~on the current edition of the International Fuel Gas Code or the~~
22 ~~International Plumbing Code revision of not less than six (6) hours~~
23 ~~of instruction within one (1) year of adoption of the current~~
24 ~~International Plumbing Code revision.~~ The Committee may renew

1 licenses upon application made more than thirty (30) days following
2 the date of expiration only upon payment of the renewal and
3 additional fee prescribed and upon compliance with any applicable
4 continuing education requirements as established by the Board and
5 this act. Provided that no penalty for renewal shall be charged to
6 any holder of a license which expires while such holder is in
7 military service if application is made within one (1) year
8 following ~~his service~~ discharge from the military service.

9 Apprentice registration certificates expire one (1) year after
10 date of registration, at which time the apprentice may reregister.

11 SECTION 4. AMENDATORY 59 O.S. 2001, Section 1010, is
12 amended to read as follows:

13 Section 1010. A. The designee of the Construction Industries
14 Board, as chair, and the members of the Oklahoma State Committee of
15 Plumbing Examiners shall constitute a Plumbing Hearing Board, which
16 may on its own motion make investigations and conduct hearings. The
17 Plumbing Hearing Board may, on its own motion or upon complaint in
18 writing duly signed and verified by the complainant, and upon not
19 less than ten (10) days' notice to the licensee, suspend any license
20 or registration issued under The Plumbing License Law of 1955, and
21 may revoke such license or registration in the manner hereinafter
22 provided, if by clear and convincing evidence it finds that the
23 holder of the license has:

24

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

3 2. Loaned or illegally used the license;

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

6 4. Violated any provision of The Plumbing License Law of 1955,
7 or any rule or order prescribed by the Construction Industries
8 Board, or any ordinance or regulation for the installation of
9 plumbing made or enacted by a city, town, or sewer Board by
10 authority of The Plumbing License Law of 1955; or

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

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

18 C. Any administrative hearing on suspensions, revocations or
19 finances shall be conducted by a hearing examiner appointed by the
20 Construction Industries Board. The hearing examiner's decision
21 shall be a final decision which may be appealed to a district court
22 in accordance with the Administrative Procedures Act.

23 D. No order revoking a license shall be made until after a
24 public hearing, held in accordance with the provisions of Article II

1 of the Administrative Procedures Act, by the Plumbing Hearing Board
2 which shall not be less than thirty (30) days and not more than
3 sixty (60) days after the date of notice of suspension. The hearing
4 shall be held at the place designated by the Plumbing Hearing Board.
5 The person complained against shall have the right to be represented
6 by counsel and to introduce any evidence in defense. The conduct of
7 the hearing shall be in accordance with recognized rules of legal
8 procedure and any member of the Plumbing Hearing Board or a
9 representative designated by the Plumbing Hearing Board shall have
10 authority to administer oaths and take testimony.

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

14 ~~E.~~ F. Notwithstanding any other provision of law, a political
15 subdivision of this state that has adopted a nationally recognized
16 plumbing code and appointed an inspector pursuant to Section 1016 of
17 this title or pursuant to the Oklahoma Inspectors Act for such work
18 shall have jurisdiction over the interpretation of the code and the
19 installation of all plumbing work done in that political
20 subdivision, subject to the provisions of the Oklahoma Inspectors
21 Act. Provided, a state inspector may work directly with a plumbing
22 contractor or journeyman plumber in such a locality if a violation
23 of the code creates an immediate threat to life or health.

24

1 ~~F.~~ G. In the case of a complaint about, investigation of, or
2 inspection of any license, registration, permit or plumbing in any
3 political subdivision of this state which has not adopted a
4 nationally recognized plumbing code and appointed an inspector
5 pursuant to Section 1016 of this title or pursuant to the Oklahoma
6 Inspectors Act for such work, the Construction Industries Board
7 shall have jurisdiction over such matters.

8 ~~G.~~ H. 1. No individual, business, company, corporation,
9 limited liability company, association or other entity subject to
10 the provisions of Section 1001 et seq. of this title shall install,
11 modify or alter plumbing in any incorporated area of this state
12 which has not adopted a nationally recognized plumbing code and
13 appointed an inspector pursuant to Section 1016 of this title or
14 pursuant to the Oklahoma Inspectors Act for such work without
15 providing notice of such plumbing to the Construction Industries
16 Board. A notice form for reproduction by an individual or entity
17 required to make such notice shall be provided by the Construction
18 Industries Board upon request.

19 2. Notice to the Construction Industries Board pursuant to this
20 subsection shall not be required for plumbing maintenance or
21 replacement of an existing plumbing device or fixture, unless such
22 device is gas fired, or of any petroleum refinery or its research
23 facilities.

24

1 3. Enforcement of this subsection is authorized pursuant to The
2 Plumbing License Law of 1955, or under authority granted to the
3 Construction Industries Board.

4 SECTION 5. AMENDATORY 59 O.S. 2001, Section 1019, is
5 amended to read as follows:

6 Section 1019. A. Any person, firm, partnership, association or
7 corporation who shall violate any of the provisions of this act, or
8 any provision of an ordinance or regulation enacted by a city, town,
9 or sewer commission, by authority of this act shall, in addition to
10 suffering possible suspension or revocation of a license, be guilty
11 of a misdemeanor and upon conviction thereof shall be punished by a
12 fine of not less than Twenty-five Dollars (\$25.00) nor more than One
13 Hundred Dollars (\$100.00), together with the costs of prosecution.

14 B. The Plumbing Hearing Board may make application to the
15 appropriate court for an order enjoining the acts or practices
16 prohibited by this act, and upon a showing by the Plumbing Hearing
17 Board that the person or firm has engaged in any of the prohibited
18 acts or practices, an injunction, restraining order or other order
19 as may be appropriate shall be granted by the court.

20 SECTION 6. AMENDATORY 59 O.S. 2001, Section 1683, as
21 amended by Section 7, Chapter 457, O.S.L. 2002 (59 O.S. Supp. 2006,
22 Section 1683), is amended to read as follows:
23
24

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

4 B. Beginning January 1, 2002, as the terms of members serving
5 on the Committee expire, six voting members of the Committee shall
6 be appointed by the Construction Industries Board as follows:

7 1. One member shall be an electrical inspector selected from a
8 list of names submitted by a statewide organization of electrical
9 inspectors;

10 2. One member shall be selected from a list of names submitted
11 by a statewide organization of electrical contractors representing
12 union contractors;

13 3. One member shall be selected from a list of names submitted
14 by a statewide organization representing builders and contractors;

15 4. One member shall be a journeyman wireman selected from a
16 list of names submitted by a statewide organization of union
17 journeymen wiremen;

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

20 6. One member shall be selected from a list of names submitted
21 by a statewide organization of electrical contractors representing
22 nonunion contractors. The term of the initial appointee shall be
23 for two (2) years.
24

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

8 The nonvoting member shall be designated by the Board from its
9 staff to serve as ~~Program Administrator and serve as the Chief~~
10 ~~Electrical Inspector for the state~~ on the Committee at the will of
11 the Board.

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

20 D. The Committee shall assist and advise the Board on all
21 matters relating to the formulation of rules and standards in
22 accordance with the Electrical License Act. The Committee shall
23 administer the examinations of applicants for licenses as electrical
24 contractors or journeyman electricians provided that such

1 examinations shall be in accordance with the provisions of the
2 Electrical License Act. The Committee may authorize the Board to
3 conduct tests on their behalf as the Committee deems necessary.

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

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

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

19 SECTION 7. AMENDATORY 59 O.S. 2001, Section 1688, as
20 last amended by Section 12, Chapter 318, O.S.L. 2003 (59 O.S. Supp.
21 2006, Section 1688), is amended to read as follows:

22 Section 1688. A. ~~Until June 30, 2004, no~~ No license shall be
23 issued for longer than one (1) year, and all licenses shall expire
24 ~~on June 30 of each year~~ on the last day in the birth month of the

1 licensee. A license may be renewed upon application and payment of
2 fees thirty (30) days preceding or following ~~June 30 of each year,~~
3 ~~or the date the license is due, and not be subject to a late renewal~~
4 ~~penalty. Beginning July 1, 2004, all licenses shall expire on the~~
5 ~~birthdate of the licensee. The Construction Industries Board shall~~
6 ~~establish by rule a method for prorating license fees to coincide~~
7 ~~with the birthdate of the licensee. Licenses which have not been~~
8 renewed more than thirty (30) days following the date of expiration
9 may be renewed only upon application and payment of all required
10 fees and payment of any penalty for late renewal established by the
11 Board and upon compliance with any applicable continuing education
12 requirements established by the Board and this act. No penalty for
13 late renewal shall be charged to any holder of a license which
14 expires while the holder is in military service, if an application
15 for renewal is made within one (1) year following the service
16 discharge of the holder.

17 B. No journeyman or contractor license shall be renewed unless
18 the licensee has completed the required hours of continuing
19 education, as determined and approved by the Committee of Electrical
20 Examiners and approved by the Construction Industries Board. ~~The~~
21 ~~requirement may be satisfied by completing a course on the current~~
22 ~~national electrical code revision of not less than six (6) hours of~~
23 ~~instruction, within one (1) year of adoption of the current national~~
24 ~~electrical code revision.~~

1 C. An apprentice registration certificate shall be issued for
2 one (1) year, at which time the apprentice may reregister upon
3 meeting the requirements of the Construction Industries Board and
4 paying the renewal fee.

5 SECTION 8. AMENDATORY 59 O.S. 2001, Section 1689 is
6 amended to read as follows:

7 Section 1689. A. The Construction Industries Board or its
8 designee and the Committee of Electrical Examiners shall act as the
9 Electrical Hearing Board and shall comply with the provisions of
10 Article II of the Administrative Procedures Act, Section 308a et
11 seq. of Title 75 of the Oklahoma Statutes.

12 B. Any administrative hearing on suspensions, revocations or
13 finances shall be conducted by a hearing examiner appointed by the
14 Board. The hearing examiner's decision shall be a final decision
15 which may be appealed to a district court in accordance with the
16 Administrative Procedures Act.

17 C. The Electrical Hearing Board may, upon its own motion, and
18 shall, upon written complaint filed by any person, investigate the
19 business transactions of any electrical contractor, journeyman
20 electrician or electrical apprentice. Upon a finding by clear and
21 convincing evidence, the Board shall suspend or revoke any license
22 or registration obtained by false or fraudulent representation.
23 Upon a finding by clear and convincing evidence, the Board shall
24

1 also suspend or revoke any license or registration for any of the
2 following:

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

6 2. Loaning or illegally using a license;

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

9 4. Violating any provisions of the Electrical License Act, or
10 any rule or order prescribed by the Board or any ordinance for the
11 installation of electrical facilities made or enacted by a city or
12 town by authority of the Electrical License Act; or

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

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

18 ~~D.~~ E. Notwithstanding any other provision of law, a political
19 subdivision of this state that has adopted a nationally recognized
20 electrical code and appointed an inspector pursuant to the
21 provisions of Section 1693 of this title or pursuant to the
22 provisions of the Oklahoma Inspectors Act for such work shall have
23 jurisdiction over the interpretation of the code and the
24 installation of all electrical work done in that political

1 subdivision, subject to the provisions of the Oklahoma Inspectors
2 Act. Provided, a state inspector may work directly with an
3 electrical contractor, journeyman electrician or electrical
4 apprentice in such a locality if a violation of the code creates an
5 immediate threat to life or health.

6 ~~E.~~ F. In the case of a complaint about, investigation of, or
7 inspection of any license, registration, permit or electrical work
8 in any political subdivision of this state which has not adopted a
9 nationally recognized electrical code and appointed an inspector
10 pursuant to the provisions of Section 1693 of this title or pursuant
11 to the provisions of the Oklahoma Inspectors Act for such work, the
12 Construction Industries Board shall have jurisdiction over such
13 matters.

14 ~~F.~~ G. 1. No individual, business, company, corporation,
15 association or other entity subject to the provisions of the
16 Electrical License Act shall install, modify or alter electrical
17 facilities in any incorporated area of this state which has not
18 adopted a nationally recognized electrical code and appointed an
19 inspector pursuant to the provisions of Section 1693 of this title
20 or pursuant to the provisions of the Oklahoma Inspectors Act for
21 such work without providing notice of such electrical work to the
22 Construction Industries Board. A notice form for reproduction by an
23 individual or entity required to make such notice shall be provided
24 by the Construction Industries Board upon request.

1 2. Notice to the Construction Industries Board pursuant to this
2 subsection shall not be required for electrical maintenance or
3 replacement of existing electrical appliances or fixtures or of any
4 petroleum refinery or its research facilities.

5 3. Enforcement of this subsection is authorized pursuant to the
6 Electrical License Act, or under authority granted to the
7 Construction Industries Board.

8 SECTION 9. AMENDATORY 59 O.S. 2001, Section 1692, is
9 amended to read as follows:

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

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

14 2. Maintenance work for state and federal institutions;

15 3. ~~The construction, installation, maintenance, repair and~~
16 ~~renovation~~ Any and all electrical work performed by a public utility
17 regulated by the Corporation Commission;

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

20 5. The construction, installation, maintenance, repair and
21 renovation of telephone equipment or computer systems by a person,
22 firm, or corporation engaged in the telecommunications or
23 information systems industry when such activities involve work
24 exclusively for communication of data, voice, or for other signaling

1 purposes; except fire alarm systems, security systems and
2 environmental control systems that are not an integral part of a
3 telecommunications system; or

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

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

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

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

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

20 C. The Construction Industries Board shall have no authority to
21 regulate or license electric utility companies, rural electric
22 cooperatives or municipal utility systems.

23
24

1 SECTION 10. AMENDATORY 59 O.S. 2001, Section 1850.8, as
2 last amended by Section 7, Chapter 163, O.S.L. 2004 (59 O.S. Supp.
3 2006, Section 1850.8), is amended to read as follows:

4 Section 1850.8 A. The Construction Industries Board shall
5 issue a license as a mechanical journeyman or mechanical contractor
6 to any person who:

7 1. Has been certified by the Committee of Mechanical Examiners
8 as having successfully passed the appropriate examination; and

9 2. Has paid the license fee and has otherwise complied with the
10 provisions of the Mechanical Licensing Act. The license fees shall
11 be established by rule by the Board pursuant to Section 1000.5 of
12 this title.

13 B. All licenses shall be nontransferable. ~~Until June 30, 2004,~~
14 ~~no~~ No license shall be issued for longer than one (1) year and all
15 licenses shall expire on ~~June 30 of each year.~~ ~~Beginning July 1,~~
16 ~~2004, all licenses shall expire on the~~ last day in the birth date
17 month of the licensee. ~~The Construction Industries Board shall~~
18 ~~establish by rule a method for prorating license fees to coincide~~
19 ~~with the birth date of the licensee.~~ Licenses which have not been
20 renewed more than thirty (30) days following the date of expiration
21 may only be renewed upon application and payment of the required
22 fees and payment of any penalty for late renewal, as shall be
23 established by the Board. ~~Any license issued without state~~
24 ~~examination that has not been renewed as a result of a tax hold~~

1 ~~subsequent to the implementation of Section 238.1 of Title 68 of the~~
2 ~~Oklahoma Statutes, may be renewed without examination anytime before~~
3 ~~June 30, 2005, upon satisfactory arrangements made with the Oklahoma~~
4 ~~Tax Commission for the tax liability, payment of the required fees~~
5 ~~and payment of any penalty for late renewal as established by the~~
6 ~~Board.~~ No journeyman or contractor license shall be renewed unless
7 the licensee has completed the required hours of continuing
8 education as determined by the Committee. ~~The requirement may be~~
9 ~~satisfied by completing a course on the current edition of the~~
10 ~~International Mechanical Code revision or the International Fuel Gas~~
11 ~~Code or the mechanical provisions of the International Residential~~
12 ~~Code revision, whichever is applicable to the category of licensure,~~
13 ~~of not less than six (6) hours of instruction, within one (1) year~~
14 ~~of adoption of the current International Mechanical Code revision or~~
15 ~~the International Fuel Gas Code or the International Residential~~
16 ~~Code revisions.~~ Persons who are licensed as contractors under the
17 Mechanical Licensing Act may have their license placed on inactive
18 status by paying the annual renewal fee and eliminating the bonding
19 and insurance requirements. No late fee shall be charged to renew a
20 license which expired while the applicant was in military service,
21 if application is made within one (1) year of discharge from the
22 military service.

23 C. The Board is authorized to establish and issue, subject to
24 the provisions of the Mechanical Licensing Act, limited licenses in

1 each area of mechanical work based on the experience, ability,
2 examination scores and the education of the applicant. The limited
3 licenses shall authorize the licensee to engage in only those
4 activities and within the limits specified in the license.

5 SECTION 11. AMENDATORY 59 O.S. 2001, Section 1850.8A, is
6 amended to read as follows:

7 Section 1850.8A A. Within (1) one year of the date the
8 Governor of this state declares a state of emergency in response to
9 a disaster involving the destruction of dwelling units, the ~~State~~
10 ~~Commissioner of Health~~ Construction Industries Board shall issue a
11 distinctively colored, nonrenewable, temporary mechanical journeyman
12 license which shall expire one (1) year after the date of
13 declaration to any person who is currently licensed as a mechanical
14 journeyman by another state and who:

15 1. Submits, within ten (10) days of beginning mechanical
16 journeyman's work in this state, an application and fee for a
17 mechanical journeyman's examination;

18 2. Takes and passes the examination at the first opportunity
19 thereafter offered by the ~~Commissioner~~ Board; and

20 3. Pays a temporary mechanical journeyman's license fee of
21 ~~Twenty five Dollars (\$25.00)~~ to be established by rule by the Board
22 pursuant to Section 1000.5 of this title.

23
24

1 B. Nothing in this section shall be construed as prohibiting
2 any person from qualifying at any time for any other license by
3 meeting the requirements for the other license.

4 SECTION 12. AMENDATORY 59 O.S. 2001, Section 1850.13, as
5 amended by Section 9, Chapter 163, O.S.L. 2004 (59 O.S. Supp. 2006,
6 Section 1850.13), is amended to read as follows:

7 Section 1850.13 There is hereby created in the State Treasury a
8 revolving fund for the Construction Industries Board, to be
9 designated the "Oklahoma Mechanical Licensing Revolving Fund". The
10 fund shall be a continuing fund, not subject to fiscal year
11 limitations, and shall consist of all monies received by the ~~State~~
12 ~~Department of Health Board~~ pursuant to the Mechanical Licensing Act,
13 including administrative fines authorized by Section 1850.11 of this
14 title. All monies accruing to the credit of said fund are hereby
15 appropriated and may be budgeted and expended by the Construction
16 Industries Board for the purpose of implementing the Mechanical
17 Licensing Act. Expenditures from said fund shall be made upon
18 warrants issued by the State Treasurer against claims filed as
19 prescribed by law with the Director of State Finance for approval
20 and payment.

21 SECTION 13. AMENDATORY 59 O.S. 2001, Section 1850.14, is
22 amended to read as follows:

23 Section 1850.14 A. The Construction Industries Board or its
24 designee and the Committee of Mechanical Examiners shall act as the

1 Mechanical Hearing Board and shall comply with the provisions of
2 Article II of the Administrative Procedures Act.

3 B. Any administrative hearing on suspensions, revocations or
4 finances shall be conducted by a hearing examiner appointed by the
5 Construction Industries Board. The hearing examiner's decision
6 shall be a final decision which may be appealed to a district court
7 in accordance with the Administrative Procedures Act.

8 C. The Mechanical Hearing Board may, upon its own motion, and
9 shall, upon written complaint filed by any person, investigate the
10 business transactions of any mechanical contractor, mechanical
11 journeyman, mechanical apprentice or mechanical firm. The
12 Construction Industries Board shall suspend or revoke or may refuse
13 to issue or renew any license or registration under the Mechanical
14 Licensing Act for any of the following:

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

18 2. Obtaining any license or registration by false or fraudulent
19 representation;

20 3. Loaning or allowing the use of such license by any other
21 person or illegally using a license;

22 4. Demonstrating incompetence to act as a mechanical journeyman
23 or mechanical contractor;

24

1 5. Violating any provisions of the Mechanical Licensing Act, or
2 any rule or order prescribed by the Construction Industries Board
3 pursuant to the provisions of the Mechanical Licensing Act; or

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

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

9 ~~D.~~ E. Notwithstanding any other provision of law, a political
10 subdivision of this state that has adopted a nationally recognized
11 mechanical code and appointed an inspector pursuant to Section
12 1850.12 of this title or pursuant to the Oklahoma Inspectors Act for
13 such work shall have jurisdiction over the interpretation of said
14 code and the installation of all mechanical work done in that
15 political subdivision, subject to the provisions of the Oklahoma
16 Inspectors Act. Provided, a state inspector may work directly with
17 a mechanical contractor, mechanical journeyman, mechanical
18 apprentice or mechanical firm in such a locality if a violation of
19 the code creates an immediate threat to life or health.

20 ~~E.~~ F. In the case of a complaint about, investigation of, or
21 inspection of any license, registration, permit or mechanical work
22 in any political subdivision of this state which has not adopted a
23 nationally recognized mechanical code and appointed an inspector
24 pursuant to Section 1850.12 of this title or pursuant to the

1 Oklahoma Inspectors Act for such work, the Board shall have
2 jurisdiction over such matters.

3 ~~F.~~ G. 1. No individual, business, company, corporation,
4 association, limited liability company, or other entity subject to
5 the provisions of the Mechanical Licensing Act shall install, modify
6 or alter mechanical systems in any incorporated area of this state
7 which has not adopted a nationally recognized mechanical code and
8 appointed an inspector pursuant to Section 1850.12 of this title or
9 pursuant to the Oklahoma Inspectors Act for such work without
10 providing notice of such mechanical work to the Board. A notice
11 form for reproduction by an individual or entity required to make
12 such notice shall be provided by the Board upon request.

13 2. Notice to the Board pursuant to this subsection shall not be
14 required for minor repair or maintenance performed according to the
15 mechanical equipment manufacturer's instructions or of any petroleum
16 refinery or its research facilities.

17 3. Enforcement of this subsection is authorized pursuant to the
18 Mechanical Licensing Act, or under authority granted to the Board.

19 SECTION 14. RECODIFICATION 59 O.S. 2001, Section 1860,
20 shall be recodified as Section 1000.5b of Title 59 of the Oklahoma
21 Statutes, unless there is created a duplication in numbering.

22 SECTION 15. This act shall become effective November 1, 2007."
23
24

1 Passed the House of Representatives the 18th day of April, 2007.

2
3
4 Presiding Officer of the House of
Representatives
5

6 Passed the Senate the ____ day of _____, 2007.

7
8
9 Presiding Officer of the Senate
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24