

THE HOUSE OF REPRESENTATIVES
Monday, April 16, 2007

Committee Substitute for
ENGROSSED
Senate Bill No. 45

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 45 - By: COATES
of the Senate and SEARS of the House.

An Act relating to professions and occupations; amending 59 O.S. 2001, Sections 1000.5, as amended by Section 2, Chapter 457, O.S.L. 2002, 1002, as amended by Section 7, Chapter 318, O.S.L. 2003, 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 9, Chapter 163, O.S.L. 2004 and 1850.14 (59 O.S. Supp. 2006, Sections 1000.5, 1002, 1009, 1683, 1688, 1850.8 and 1850.13), which relate to the Construction Industries Board, The Plumbing License Law of 1955, the Electrical License Act, and the Mechanical Licensing Act; authorizing certain fee and providing range of fee; providing for certain license or registration issuance or renewal paid for by dishonored checks; authorizing the Construction Industries Board to provide for rules relating to certain minimum standards of plumbing installation; modifying provisions relating to certain bonding requirements; modifying requirements for certain license expiration dates and renewals; stating certain registrations are subject to the Plumbing Hearing Board; modifying membership of Committee of Electrical Examiners; providing for the conduct of certain administrative hearings; making certain hearing examiners' decisions final; providing for certain appeals; designating regulation of electric public utility companies; authorizing application for enjoining certain acts or practices; providing for certain injunctions, restraining orders or other orders by a court; modifying membership 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:

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

4 Section 1000.5 A. The Construction Industries Board may establish a system of
5 fees to be charged for the application for licenses, for the issuance and renewal of licenses
6 and permits, for administration of examinations ~~and~~, for formal project reviews and
7 dishonored checks under the Board's authority. This provision is subject to the following
8 limitations:

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

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

18 For application for license not to exceed \$30.00

1	For administration of license	
2	examinations:	not to exceed \$200.00
3	For license or permit issuance:	not to exceed \$300.00
4	For license or permit renewal:	not to exceed \$200.00
5	For formal project review for code	
6	conformance:	not to exceed \$200.00
7	For permit issuance for the use of	
8	alternative materials or methods:	not to exceed \$50.00
9	<u>For dishonored checks:</u>	<u>not to</u>
10	<u>exceed amount pursuant to the</u>	
11	<u>provisions of Section 1121 of Title 47 of</u>	
12	<u>the Oklahoma Statutes.</u>	

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

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

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

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

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

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

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

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

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

5 3. The establishment and levying of administrative fines;

6 4. The initiation of disciplinary proceedings;

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

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

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

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

1 ~~the municipality prior to the commencement of any such work by the licensee if required~~
2 ~~by local ordinances or rules.~~

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

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

1 while such holder is in military service if application is made within one (1) year
2 following ~~his service~~ discharge from the military service.

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

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

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

- 16 1. Made a material misstatement in the application for license or renewal thereof;
- 17 2. Loaned or illegally used the license;
- 18 3. Demonstrated incompetency to act as a journeyman plumber or plumbing
19 contractor, as the case may be;
- 20 4. Violated any provision of The Plumbing License Law of 1955, or any rule or order
21 prescribed by the Construction Industries Board, or any ordinance or regulation for the

1 installation of plumbing made or enacted by a city, town, or sewer Board by authority of
2 The Plumbing License Law of 1955; or

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

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

9 C. Any administrative hearing on suspensions, revocations or fines shall be
10 conducted by a hearing examiner appointed by the Construction Industries Board. The
11 hearing examiner's decision shall be a final decision which may be appealed to a district
12 court in accordance with the Administrative Procedures Act.

13 D. No order revoking a license shall be made until after a public hearing, held in
14 accordance with the provisions of Article II of the Administrative Procedures Act, by the
15 Plumbing Hearing Board which shall not be less than thirty (30) days and not more than
16 sixty (60) days after the date of notice of suspension. The hearing shall be held at the
17 place designated by the Plumbing Hearing Board. The person complained against shall
18 have the right to be represented by counsel and to introduce any evidence in defense.
19 The conduct of the hearing shall be in accordance with recognized rules of legal
20 procedure and any member of the Plumbing Hearing Board or a representative
21 designated by the Plumbing Hearing Board shall have authority to administer oaths and
22 take testimony.

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

4 ~~E.~~ F. Notwithstanding any other provision of law, a political subdivision of this
5 state that has adopted a nationally recognized plumbing code and appointed an inspector
6 pursuant to Section 1016 of this title or pursuant to the Oklahoma Inspectors Act for
7 such work shall have jurisdiction over the interpretation of the code and the installation
8 of all plumbing work done in that political subdivision, subject to the provisions of the
9 Oklahoma Inspectors Act. Provided, a state inspector may work directly with a plumbing
10 contractor or journeyman plumber in such a locality if a violation of the code creates an
11 immediate threat to life or health.

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

17 ~~G.~~ H. 1. No individual, business, company, corporation, limited liability company,
18 association or other entity subject to the provisions of Section 1001 et seq. of this title
19 shall install, modify or alter plumbing in any incorporated area of this state which has
20 not adopted a nationally recognized plumbing code and appointed an inspector pursuant
21 to Section 1016 of this title or pursuant to the Oklahoma Inspectors Act for such work
22 without providing notice of such plumbing to the Construction Industries Board. A

1 notice form for reproduction by an individual or entity required to make such notice shall
2 be provided by the Construction Industries Board upon request.

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

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

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

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

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 SECTION 6. AMENDATORY 59 O.S. 2001, Section 1683, as amended by
2 Section 7, Chapter 457, O.S.L. 2002 (59 O.S. Supp. 2006, Section 1683), is amended to
3 read as follows:

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

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

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

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

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

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

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

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

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

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

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

15 D. The Committee shall assist and advise the Board on all matters relating to the
16 formulation of rules and standards in accordance with the Electrical License Act. The
17 Committee shall administer the examinations of applicants for licenses as electrical
18 contractors or journeyman electricians provided that such examinations shall be in
19 accordance with the provisions of the Electrical License Act. The Committee may
20 authorize the Board to conduct tests on their behalf as the Committee deems necessary.

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

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

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

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

16 Section 1688. A. ~~Until June 30, 2004, no~~ No license shall be issued for longer than
17 one (1) year, and all licenses shall expire ~~on June 30 of each year~~ on the last day in the
18 birth month of the licensee. A license may be renewed upon application and payment of
19 fees thirty (30) days preceding or following ~~June 30 of each year, or~~ the date the license is
20 due, and not be subject to a late-renewal penalty. ~~Beginning July 1, 2004, all licenses~~
21 ~~shall expire on the birthdate of the licensee. The Construction Industries Board shall~~
22 ~~establish by rule a method for prorating license fees to coincide with the birthdate of the~~

1 licensee. Licenses ~~which have not been~~ renewed more than thirty (30) days following the
2 date of expiration may be renewed only upon application and payment of all required fees
3 and payment of any penalty for late renewal established by the Board and upon
4 compliance with any applicable continuing education requirements established by the
5 Board and this act. No penalty for late renewal shall be charged to any holder of a
6 license which expires while the holder is in military service, if an application for renewal
7 is made within one (1) year following the service discharge of the holder.

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

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

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

19 Section 1689. A. The Construction Industries Board or its designee and the
20 Committee of Electrical Examiners shall act as the Electrical Hearing Board and shall
21 comply with the provisions of Article II of the Administrative Procedures Act, Section
22 308a et seq. of Title 75 of the Oklahoma Statutes.

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

5 C. The Electrical Hearing Board may, upon its own motion, and shall, upon written
6 complaint filed by any person, investigate the business transactions of any electrical
7 contractor, journeyman electrician or electrical apprentice. Upon a finding by clear and
8 convincing evidence, the Board shall suspend or revoke any license or registration
9 obtained by false or fraudulent representation. Upon a finding by clear and convincing
10 evidence, the Board shall also suspend or revoke any license or registration for any of the
11 following:

- 12 1. Making a material misstatement in the application for a license or registration,
13 or the renewal of a license or registration;
- 14 2. Loaning or illegally using a license;
- 15 3. Demonstrating incompetence to act as a journeyman electrician or electrical
16 contractor;
- 17 4. Violating any provisions of the Electrical License Act, or any rule or order
18 prescribed by the Board or any ordinance for the installation of electrical facilities made
19 or enacted by a city or town by authority of the Electrical License Act; or
- 20 5. Willfully failing to perform normal business obligations without justifiable cause.

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

1 D. E. Notwithstanding any other provision of law, a political subdivision of this
2 state that has adopted a nationally recognized electrical code and appointed an inspector
3 pursuant to the provisions of Section 1693 of this title or pursuant to the provisions of
4 the Oklahoma Inspectors Act for such work shall have jurisdiction over the
5 interpretation of the code and the installation of all electrical work done in that political
6 subdivision, subject to the provisions of the Oklahoma Inspectors Act. Provided, a state
7 inspector may work directly with an electrical contractor, journeyman electrician or
8 electrical apprentice in such a locality if a violation of the code creates an immediate
9 threat to life or health.

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

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

1 required to make such notice shall be provided by the Construction Industries Board
2 upon request.

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

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

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

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

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

13 2. Maintenance work for state and federal institutions;

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

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

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

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

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

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

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

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

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

15 C. Electric public utility companies shall continue to be regulated by the
16 Corporation Commission, and the Construction Industries Board shall have no authority
17 to regulate or license electric utility companies, rural electric cooperatives or municipal
18 utility systems.

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

8 B. All licenses shall be nontransferable. ~~Until June 30, 2004, no~~ No license shall be
9 issued for longer than one (1) year and all licenses shall expire on ~~June 30 of each year.~~

10 ~~Beginning July 1, 2004, all licenses shall expire on the last day in the birth date month of~~
11 ~~the licensee. The Construction Industries Board shall establish by rule a method for~~
12 ~~prorating license fees to coincide with the birth date of the licensee. Licenses which have~~
13 ~~not been renewed more than thirty (30) days following the date of expiration may only be~~
14 ~~renewed upon application and payment of the required fees and payment of any penalty~~
15 ~~for late renewal, as shall be established by the Board. Any license issued without state~~
16 ~~examination that has not been renewed as a result of a tax hold subsequent to the~~
17 ~~implementation of Section 238.1 of Title 68 of the Oklahoma Statutes, may be renewed~~
18 ~~without examination anytime before June 30, 2005, upon satisfactory arrangements~~
19 ~~made with the Oklahoma Tax Commission for the tax liability, payment of the required~~
20 ~~fees and payment of any penalty for late renewal as established by the Board. No~~
21 ~~journeyman or contractor license shall be renewed unless the licensee has completed the~~
22 ~~required hours of continuing education as determined by the Committee. The~~

1 requirement may be satisfied by completing a course on the current edition of the
2 International Mechanical Code revision or the International Fuel Gas Code or the
3 mechanical provisions of the International Residential Code revision, whichever is
4 applicable to the category of licensure, of not less than six (6) hours of instruction, within
5 one (1) year of adoption of the current International Mechanical Code revision or the
6 International Fuel Gas Code or the International Residential Code revisions. Persons
7 who are licensed as contractors under the Mechanical Licensing Act may have their
8 license placed on inactive status by paying the annual renewal fee and eliminating the
9 bonding and insurance requirements. No late fee shall be charged to renew a license
10 which expired while the applicant was in military service, if application is made within
11 one (1) year of discharge from the military service.

12 C. The Board is authorized to establish and issue, subject to the provisions of the
13 Mechanical Licensing Act, limited licenses in each area of mechanical work based on the
14 experience, ability, examination scores and the education of the applicant. The limited
15 licenses shall authorize the licensee to engage in only those activities and within the
16 limits specified in the license.

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

19 Section 1850.8A A. Within (1) one year of the date the Governor of this state
20 declares a state of emergency in response to a disaster involving the destruction of
21 dwelling units, the ~~State Commissioner of Health~~ Construction Industries Board shall
22 issue a distinctively colored, nonrenewable, temporary mechanical journeyman license

1 which shall expire one (1) year after the date of declaration to any person who is
2 currently licensed as a mechanical journeyman by another state and who:

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

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

7 3. Pays a temporary mechanical journeyman's license fee of ~~Twenty-five Dollars~~
8 ~~(\$25.00)~~ to be established by rule by the Board pursuant to Section 1000.5 of this title.

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

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

15 Section 1850.13 There is hereby created in the State Treasury a revolving fund for
16 the Construction Industries Board, to be designated the "Oklahoma Mechanical
17 Licensing Revolving Fund". The fund shall be a continuing fund, not subject to fiscal
18 year limitations, and shall consist of all monies received by the ~~State Department of~~
19 ~~Health~~ Board pursuant to the Mechanical Licensing Act, including administrative fines
20 authorized by Section 1850.11 of this title. All monies accruing to the credit of said fund
21 are hereby appropriated and may be budgeted and expended by the Construction
22 Industries Board for the purpose of implementing the Mechanical Licensing Act.

1 Expenditures from said fund shall be made upon warrants issued by the State Treasurer
2 against claims filed as prescribed by law with the Director of State Finance for approval
3 and payment.

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

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

9 B. Any administrative hearing on suspensions, revocations or fines shall be
10 conducted by a hearing examiner appointed by the Construction Industries Board. The
11 hearing examiner's decision shall be a final decision which may be appealed to a district
12 court in accordance with the Administrative Procedures Act.

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

- 19 1. Making a material misstatement in the application for a license or registration,
20 or the renewal of a license or registration;
- 21 2. Obtaining any license or registration by false or fraudulent representation;

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

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

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

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

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

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

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

1 pursuant to Section 1850.12 of this title or pursuant to the Oklahoma Inspectors Act for
2 such work, the Board shall have jurisdiction over such matters.

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

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

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

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

19 SECTION 15. This act shall become effective November 1, 2007.

20 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND
21 FINANCIAL SERVICES, dated 04-12-07 - DO PASS, As Amended.