

SB 1528

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THE STATE SENATE
Monday, February 25, 2008

Senate Bill No. 1528
As Amended

SENATE BILL NO. 1528 - By: COATES of the Senate and SEARS of the House.

[professions and occupations - modifying provisions relating to the Construction Industries Board, The Plumbing License Law of 1955, the Electrical License Act, and the Mechanical Licensing Act - recodification - 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. 2007, 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 administration of examinations ~~and~~, for formal project reviews and dishonored checks under the Board's authority. This provision is subject to the following limitations:

- 1. No schedule of fees may be established or amended by the Board except during such times as the Legislature is in session; provided, the Board may establish or amend a schedule of fees at a time when the Legislature is not in session if the fees or schedule of fees has been specifically authorized by the Legislature pursuant

1 to paragraph 2 of this subsection. The Board must follow the
2 procedures required by Article I of the Administrative Procedures
3 Act for adoption of rules in establishing or amending any such
4 schedule of fees; and

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

7	For application for license	not to exceed \$30.00
8	For administration of license	
9	examinations:	not to exceed \$200.00
10	For license or permit issuance:	not to exceed \$300.00
11	For license or permit renewal:	not to exceed \$200.00
12	For formal project review for	
13	code conformance:	not to exceed \$200.00
14	For permit issuance for the use	
15	of alternative materials or	
16	methods:	not to exceed \$50.00
17	<u>For dishonored checks:</u>	<u>not to exceed amount</u>
18		<u>pursuant to the</u>
19		<u>provisions of Section</u>
20		<u>1121 of Title 47 of the</u>
21		<u>Oklahoma Statutes.</u>

22 B. The Board shall base its schedule of fees upon the
23 reasonable costs of review and inspection services rendered in

1 connection with each license, permit, or review, but shall be within
2 the ranges specified in paragraph 2 of subsection A of this section,
3 except as otherwise specified in this section. The Board shall
4 establish a system of training for all personnel who render review
5 and inspection services in order to assure uniform statewide
6 application of rules. The Board shall include the reasonable costs
7 associated with such training in the fees provided for in this
8 section.

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

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

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

20 F. When, at the time of application or renewal of any license
21 or registration, payment is made by check for fees and the check is
22 not paid by the bank on which drawn for any reason, such license or
23 registration issued at that time shall be invalid. In all such

1 cases, the license or registration shall be subject to the license
2 or registration fees and penalties provided in subsection A of this
3 section and treated as though no attempt to apply for or renew a
4 license or registration had been made. The Board may charge and
5 collect from the licensee, registrant or other obligor of fees or
6 finer, a fee for each return by a bank or other depository
7 institution of a dishonored check, negotiable order of withdrawal or
8 share draft issued by the licensee, registrant or other obligor.

9 SECTION 2. AMENDATORY 59 O.S. 2001, Section 1002, as
10 amended by Section 7, Chapter 318, O.S.L. 2003 (59 O.S. Supp. 2007,
11 Section 1002), is amended to read as follows:

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

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

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

20 3. The establishment and levying of administrative fines;

21 4. The initiation of disciplinary proceedings;

22 5. The requesting of prosecution of and initiation of
23 injunctive proceedings against any person who violates any of the

1 provisions of The Plumbing License Law of 1955 or any rule
2 promulgated pursuant to The Plumbing License Law of 1955; and

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

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

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

1 SECTION 3. AMENDATORY 59 O.S. 2001, Section 1009, as
2 amended by Section 8, Chapter 318, O.S.L. 2003 (59 O.S. Supp. 2007,
3 Section 1009), is amended to read as follows:

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

1 continuing education requirements as established by the Board and
2 this act. Provided that no penalty for renewal shall be charged to
3 any holder of a license which expires while such holder is in
4 military service if application is made within one (1) year
5 following ~~his service~~ discharge from the military service.

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

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

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

- 21 1. Made a material misstatement in the application for license
22 or renewal thereof;
- 23 2. Loaned or illegally used the license;

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

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

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

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

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

20 D. No order revoking a license shall be made until after a
21 public hearing, held in accordance with the provisions of Article II
22 of the Administrative Procedures Act, by the Plumbing Hearing Board
23 which shall not be less than thirty (30) days and not more than

1 sixty (60) days after the date of notice of suspension. The hearing
2 shall be held at the place designated by the Plumbing Hearing Board.
3 The person complained against shall have the right to be represented
4 by counsel and to introduce any evidence in defense. The conduct of
5 the hearing shall be in accordance with recognized rules of legal
6 procedure and any member of the Plumbing Hearing Board or a
7 representative designated by the Plumbing Hearing Board shall have
8 authority to administer oaths and take testimony.

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

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

22 ~~F.~~ G. In the case of a complaint about, investigation of, or
23 inspection of any license, registration, permit or plumbing in any

1 political subdivision of this state which has not adopted a
2 nationally recognized plumbing code and appointed an inspector
3 pursuant to Section 1016 of this title or pursuant to the Oklahoma
4 Inspectors Act for such work, the Construction Industries Board
5 shall have jurisdiction over such matters.

6 ~~G.~~ H. 1. No individual, business, company, corporation,
7 limited liability company, association or other entity subject to
8 the provisions of ~~Section 1001 et seq. of this title~~ the Plumbing
9 License Law of 1955 shall install, modify or alter plumbing in any
10 incorporated area of this state which has not adopted a nationally
11 recognized plumbing code and appointed an inspector pursuant to
12 Section 1016 of this title or pursuant to the Oklahoma Inspectors
13 Act for such work without providing notice of such plumbing to the
14 Construction Industries Board. A notice form for reproduction by an
15 individual or entity required to make such notice shall be provided
16 by the Construction Industries Board upon request.

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

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. 2007,
22 Section 1683), is amended to read as follows:

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.

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

1 contractors or journeyman electricians provided that such
2 examinations shall be in accordance with the provisions of the
3 Electrical License Act. The Committee may authorize the Board to
4 conduct tests on their behalf as the Committee deems necessary.

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

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

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

20 SECTION 7. AMENDATORY 59 O.S. 2001, Section 1688, as
21 last amended by Section 12, Chapter 318, O.S.L. 2003 (59 O.S. Supp.
22 2007, Section 1688), is amended to read as follows:

1 Section 1688. A. ~~Until June 30, 2004, no~~ No license shall be
2 issued for longer than one (1) year, and all licenses shall expire
3 ~~on June 30 of each year~~ on the last day in the birth month of the
4 licensee. A license may be renewed upon application and payment of
5 fees thirty (30) days preceding or following ~~June 30 of each year,~~
6 ~~or the date the license is due, and not be subject to a late renewal~~
7 ~~penalty. Beginning July 1, 2004, all licenses shall expire on the~~
8 ~~birthdate of the licensee. The Construction Industries Board shall~~
9 ~~establish by rule a method for prorating license fees to coincide~~
10 ~~with the birthdate of the licensee. Licenses which have not been~~
11 renewed more than thirty (30) days following the date of expiration
12 may be renewed only upon application and payment of all required
13 fees and payment of any penalty for late renewal established by the
14 Board and upon compliance with any applicable continuing education
15 requirements established by the Board and this act. No penalty for
16 late renewal shall be charged to any holder of a license which
17 expires while the holder is in military service, if an application
18 for renewal is made within one (1) year following the service
19 discharge of the holder.

20 B. No journeyman or contractor license shall be renewed unless
21 the licensee has completed the required hours of continuing
22 education, as determined and approved by the Committee of Electrical
23 Examiners and approved by the Construction Industries Board. The

1 ~~requirement may be satisfied by completing a course on the current~~
2 ~~national electrical code revision of not less than six (6) hours of~~
3 ~~instruction, within one (1) year of adoption of the current national~~
4 ~~electrical code revision.~~

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

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

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

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

21 C. The Electrical Hearing Board may, upon its own motion, and
22 shall, upon written complaint filed by any person, investigate the
23 business transactions of any electrical contractor, journeyman

1 electrician or electrical apprentice. Upon a finding by clear and
2 convincing evidence, the Board shall suspend or revoke any license
3 or registration obtained by false or fraudulent representation.

4 Upon a finding by clear and convincing evidence, the Board shall
5 also suspend or revoke any license or registration for any of the
6 following:

7 1. Making a material misstatement in the application for a
8 license or registration, or the renewal of a license or
9 registration;

10 2. Loaning or illegally using a license;

11 3. Demonstrating incompetence to act as a journeyman
12 electrician or electrical contractor;

13 4. Violating any provisions of the Electrical License Act, or
14 any rule or order prescribed by the Board or any ordinance for the
15 installation of electrical facilities made or enacted by a city or
16 town by authority of the Electrical License Act; or

17 5. Willfully failing to perform normal business obligations
18 without justifiable cause.

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

22 ~~D.~~ E. Notwithstanding any other provision of law, a political
23 subdivision of this state that has adopted a nationally recognized

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

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

19 ~~F.~~ G. 1. No individual, business, company, corporation,
20 association or other entity subject to the provisions of the
21 Electrical License Act shall install, modify or alter electrical
22 facilities in any incorporated area of this state which has not
23 adopted a nationally recognized electrical code and appointed an

1 inspector pursuant to the provisions of Section 1693 of this title
2 or pursuant to the provisions of the Oklahoma Inspectors Act for
3 such work without providing notice of such electrical work to the
4 Construction Industries Board. A notice form for reproduction by an
5 individual or entity required to make such notice shall be provided
6 by the Construction Industries Board upon request.

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

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

14 SECTION 9. AMENDATORY 59 O.S. 2001, Section 1850.8, as
15 last amended by Section 7, Chapter 163, O.S.L. 2004 (59 O.S. Supp.
16 2007, Section 1850.8), is amended to read as follows:

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

- 20 1. Has been certified by the Committee of Mechanical Examiners
21 as having successfully passed the appropriate examination; and
- 22 2. Has paid the license fee and has otherwise complied with the
23 provisions of the Mechanical Licensing Act. The license fees shall

1 be established by rule by the Board pursuant to Section 1000.5 of
2 this title.

3 B. All licenses shall be nontransferable. ~~Until June 30, 2004,~~
4 ~~no~~ No license shall be issued for longer than one (1) year and all
5 licenses shall expire on ~~June 30 of each year.~~ ~~Beginning July 1,~~
6 ~~2004,~~ all licenses shall expire on the last day in the birth date
7 month of the licensee. ~~The Construction Industries Board shall~~
8 ~~establish by rule a method for prorating license fees to coincide~~
9 ~~with the birth date of the licensee.~~ Licenses which have not been
10 renewed more than thirty (30) days following the date of expiration
11 may only be renewed upon application and payment of the required
12 fees and payment of any penalty for late renewal, as shall be
13 established by the Board. ~~Any license issued without state~~
14 ~~examination that has not been renewed as a result of a tax hold~~
15 ~~subsequent to the implementation of Section 238.1 of Title 68 of the~~
16 ~~Oklahoma Statutes, may be renewed without examination anytime before~~
17 ~~June 30, 2005, upon satisfactory arrangements made with the Oklahoma~~
18 ~~Tax Commission for the tax liability, payment of the required fees~~
19 ~~and payment of any penalty for late renewal as established by the~~
20 ~~Board.~~ No journeyman or contractor license shall be renewed unless
21 the licensee has completed the required hours of continuing
22 education as determined by the Committee. ~~The requirement may be~~
23 ~~satisfied by completing a course on the current edition of the~~

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

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

20 SECTION 10. AMENDATORY 59 O.S. 2001, Section 1850.8A, is
21 amended to read as follows:

22 Section 1850.8A A. Within (1) one year of the date the
23 Governor of this state declares a state of emergency in response to

1 a disaster involving the destruction of dwelling units, the ~~State~~
2 ~~Commissioner of Health~~ Construction Industries Board shall issue a
3 distinctively colored, nonrenewable, temporary mechanical journeyman
4 license which shall expire one (1) year after the date of
5 declaration to any person who is currently licensed as a mechanical
6 journeyman by another state and who:

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

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

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

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

18 SECTION 11. AMENDATORY 59 O.S. 2001, Section 1850.13, as
19 amended by Section 9, Chapter 163, O.S.L. 2004 (59 O.S. Supp. 2007,
20 Section 1850.13), is amended to read as follows:

21 Section 1850.13 There is hereby created in the State Treasury a
22 revolving fund for the Construction Industries Board, to be
23 designated the "Oklahoma Mechanical Licensing Revolving Fund". The

1 fund shall be a continuing fund, not subject to fiscal year
2 limitations, and shall consist of all monies received by the State
3 ~~Department of Health Board~~ pursuant to the Mechanical Licensing Act,
4 including administrative fines authorized by Section 1850.11 of this
5 title. All monies accruing to the credit of said fund are hereby
6 appropriated and may be budgeted and expended by the Construction
7 Industries Board for the purpose of implementing the Mechanical
8 Licensing Act. Expenditures from said fund shall be made upon
9 warrants issued by the State Treasurer against claims filed as
10 prescribed by law with the Director of State Finance for approval
11 and payment.

12 SECTION 12. AMENDATORY 59 O.S. 2001, Section 1850.14, is
13 amended to read as follows:

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

18 B. Any administrative hearing on suspensions, revocations or
19 fines 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.

1 C. The Mechanical Hearing Board may, upon its own motion, and
2 shall, upon written complaint filed by any person, investigate the
3 business transactions of any mechanical contractor, mechanical
4 journeyman, mechanical apprentice or mechanical firm. The
5 Construction Industries Board shall suspend or revoke or may refuse
6 to issue or renew any license or registration under the Mechanical
7 Licensing Act for any of the following:

- 8 1. Making a material misstatement in the application for a
9 license or registration, or the renewal of a license or
10 registration;
- 11 2. Obtaining any license or registration by false or fraudulent
12 representation;
- 13 3. Loaning or allowing the use of such license by any other
14 person or illegally using a license;
- 15 4. Demonstrating incompetence to act as a mechanical journeyman
16 or mechanical contractor;
- 17 5. Violating any provisions of the Mechanical Licensing Act, or
18 any rule or order prescribed by the Construction Industries Board
19 pursuant to the provisions of the Mechanical Licensing Act; or
- 20 6. Willfully failing to perform normal business obligations
21 without justifiable cause.

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

4 ~~D.~~ E. Notwithstanding any other provision of law, a political
5 subdivision of this state that has adopted a nationally recognized
6 mechanical code and appointed an inspector pursuant to Section
7 1850.12 of this title or pursuant to the Oklahoma Inspectors Act for
8 such work shall have jurisdiction over the interpretation of said
9 code and the installation of all mechanical work done in that
10 political subdivision, subject to the provisions of the Oklahoma
11 Inspectors Act. Provided, a state inspector may work directly with
12 a mechanical contractor, mechanical journeyman, mechanical
13 apprentice or mechanical firm in such a locality if a violation of
14 the code creates an immediate threat to life or health.

15 ~~E.~~ F. In the case of a complaint about, investigation of, or
16 inspection of any license, registration, permit or mechanical work
17 in any political subdivision of this state which has not adopted a
18 nationally recognized mechanical code and appointed an inspector
19 pursuant to Section 1850.12 of this title or pursuant to the
20 Oklahoma Inspectors Act for such work, the Board shall have
21 jurisdiction over such matters.

22 ~~F.~~ G. 1. No individual, business, company, corporation,
23 association, limited liability company, or other entity subject to

1 the provisions of the Mechanical Licensing Act shall install, modify
2 or alter mechanical systems in any incorporated area of this state
3 which has not adopted a nationally recognized mechanical code and
4 appointed an inspector pursuant to Section 1850.12 of this title or
5 pursuant to the Oklahoma Inspectors Act for such work without
6 providing notice of such mechanical work to the Board. A notice
7 form for reproduction by an individual or entity required to make
8 such notice shall be provided by the Board upon request.

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

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

15 SECTION 13. RECODIFICATION 59 O.S. 2001, Section 1860,
16 shall be recodified as Section 1000.5b of Title 59 of the Oklahoma
17 Statutes, unless there is created a duplication in numbering.

18 SECTION 14. This act shall become effective November 1, 2008.

19 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS & LABOR, dated 2-18-08 -
20 DO PASS, As Amended and Coauthored.