

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

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

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

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

21 For application for license	not to exceed \$30.00
22 For administration of license	
23 examinations:	not to exceed \$200.00

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

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

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

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

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

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

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

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

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

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

12 3. The establishment and levying of administrative fines;

13 4. The initiation of disciplinary proceedings;

14 5. The requesting of prosecution of and initiation of
15 injunctive proceedings against any person who violates any of the
16 provisions of The Plumbing License Law of 1955 or any rule
17 promulgated pursuant to The Plumbing License Law of 1955; and

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

21 7. The establishment of bonding and insurance requirements for
22 the issuance of a license as a plumbing contractor; provided, such

1 rules shall not be inconsistent with the terms and conditions
2 hereinafter provided.

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

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

19 Section 1009. ~~Until June 30, 2004, no~~ No license shall be
20 issued for longer than one (1) year and all licenses shall expire on
21 ~~June 30th of each year and such~~ the last day in the birth month of
22 the licensee. Such licenses may be renewed upon application and
23 payment of fees within thirty (30) days preceding or following ~~June~~

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

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

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

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

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

16 2. Loaned or illegally used the license;

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

19 4. Violated any provision of The Plumbing License Law of 1955,
20 or any rule or order prescribed by the Construction Industries
21 Board, or any ordinance or regulation for the installation of
22 plumbing made or enacted by a city, town, or sewer Board by
23 authority of The Plumbing License Law of 1955; or

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

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

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

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

1 representative designated by the Plumbing Hearing Board shall have
2 authority to administer oaths and take testimony.

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

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

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

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

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

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

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

22 Section 1019. A. Any person, firm, partnership, association or
23 corporation who shall violate any of the provisions of this act, or

1 any provision of an ordinance or regulation enacted by a city, town,
2 or sewer commission, by authority of this act shall, in addition to
3 suffering possible suspension or revocation of a license, be guilty
4 of a misdemeanor and upon conviction thereof shall be punished by a
5 fine of not less than Twenty-five Dollars (\$25.00) nor more than One
6 Hundred Dollars (\$100.00), together with the costs of prosecution.

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

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

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

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

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

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

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

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

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

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

18 All members shall each have at least ten (10) years of active
19 experience as licensed electrical contractors, journeyman
20 electricians or as an electrical inspector. No member shall be
21 employed by the same person or firm as any other member of the
22 Committee. The terms of members so appointed shall be staggered and

1 shall be for two (2) years, or until their successors are appointed
2 and qualified.

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

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

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

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

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

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

16 SECTION 7. AMENDATORY 59 O.S. 2001, Section 1688, as
17 last amended by Section 12, Chapter 318, O.S.L. 2003 (59 O.S. Supp.
18 2006, Section 1688), is amended to read as follows:

19 Section 1688. A. ~~Until June 30, 2004, no~~ No license shall be
20 issued for longer than one (1) year, and all licenses shall expire
21 ~~on June 30 of each year~~ on the last day in the birth month of the
22 licensee. A license may be renewed upon application and payment of
23 fees thirty (30) days preceding or following ~~June 30 of each year,~~

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

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

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

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

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

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

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

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

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

10 SECTION 9. AMENDATORY 59 O.S. 2001, Section 1850.8, as
11 last amended by Section 7, Chapter 163, O.S.L. 2004 (59 O.S. Supp.
12 2006, Section 1850.8), is amended to read as follows:

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

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

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

22 B. All licenses shall be nontransferable. ~~Until June 30, 2004,~~
23 ~~no~~ No license shall be issued for longer than one (1) year and all

1 licenses shall expire on ~~June 30 of each year. Beginning July 1,~~
2 ~~2004, all licenses shall expire on the last day in the birth date~~
3 ~~month of the licensee. The Construction Industries Board shall~~
4 ~~establish by rule a method for prorating license fees to coincide~~
5 ~~with the birth date of the licensee. Licenses which have not been~~
6 ~~renewed more than thirty (30) days following the date of expiration~~
7 ~~may only be renewed upon application and payment of the required~~
8 ~~fees and payment of any penalty for late renewal, as shall be~~
9 ~~established by the Board. Any license issued without state~~
10 ~~examination that has not been renewed as a result of a tax hold~~
11 ~~subsequent to the implementation of Section 238.1 of Title 68 of the~~
12 ~~Oklahoma Statutes, may be renewed without examination anytime before~~
13 ~~June 30, 2005, upon satisfactory arrangements made with the Oklahoma~~
14 ~~Tax Commission for the tax liability, payment of the required fees~~
15 ~~and payment of any penalty for late renewal as established by the~~
16 ~~Board.~~ No journeyman or contractor license shall be renewed unless
17 the licensee has completed the required hours of continuing
18 education as determined by the Committee. ~~The requirement may be~~
19 ~~satisfied by completing a course on the current edition of the~~
20 ~~International Mechanical Code revision or the International Fuel Gas~~
21 ~~Code or the mechanical provisions of the International Residential~~
22 ~~Code revision, whichever is applicable to the category of licensure,~~
23 ~~of not less than six (6) hours of instruction, within one (1) year~~

1 ~~of adoption of the current International Mechanical Code revision or~~
2 ~~the International Fuel Gas Code or the International Residential~~
3 ~~Code revisions.~~ Persons who are licensed as contractors under the
4 Mechanical Licensing Act may have their license placed on inactive
5 status by paying the annual renewal fee and eliminating the bonding
6 and insurance requirements. No late fee shall be charged to renew a
7 license which expired while the applicant was in military service,
8 if application is made within one (1) year of discharge from the
9 military service.

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

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

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

1 declaration to any person who is currently licensed as a mechanical
2 journeyman by another state and who:

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

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

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

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

14 SECTION 11. AMENDATORY 59 O.S. 2001, Section 1850.13, as
15 amended by Section 9, Chapter 163, O.S.L. 2004 (59 O.S. Supp. 2006,
16 Section 1850.13), is amended to read as follows:

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

1 title. All monies accruing to the credit of said fund are hereby
2 appropriated and may be budgeted and expended by the Construction
3 Industries Board for the purpose of implementing the Mechanical
4 Licensing Act. Expenditures from said fund shall be made upon
5 warrants issued by the State Treasurer against claims filed as
6 prescribed by law with the Director of State Finance for approval
7 and payment.

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

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

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

19 C. The Mechanical Hearing Board may, upon its own motion, and
20 shall, upon written complaint filed by any person, investigate the
21 business transactions of any mechanical contractor, mechanical
22 journeyman, mechanical apprentice or mechanical firm. The
23 Construction Industries Board shall suspend or revoke or may refuse

1 to issue or renew any license or registration under the Mechanical
2 Licensing Act for any of the 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. Obtaining any license or registration by false or fraudulent
7 representation;

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

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

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

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

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

20 ~~D.~~ E. Notwithstanding any other provision of law, a political
21 subdivision of this state that has adopted a nationally recognized
22 mechanical code and appointed an inspector pursuant to Section
23 1850.12 of this title or pursuant to the Oklahoma Inspectors Act for

1 such work shall have jurisdiction over the interpretation of said
2 code and the installation of all mechanical work done in that
3 political subdivision, subject to the provisions of the Oklahoma
4 Inspectors Act. Provided, a state inspector may work directly with
5 a mechanical contractor, mechanical journeyman, mechanical
6 apprentice or mechanical firm in such a locality if a violation of
7 the code creates an immediate threat to life or health.

8 ~~E.~~ F. In the case of a complaint about, investigation of, or
9 inspection of any license, registration, permit or mechanical work
10 in any political subdivision of this state which has not adopted a
11 nationally recognized mechanical code and appointed an inspector
12 pursuant to Section 1850.12 of this title or pursuant to the
13 Oklahoma Inspectors Act for such work, the Board shall have
14 jurisdiction over such matters.

15 ~~F.~~ G. 1. No individual, business, company, corporation,
16 association, limited liability company, or other entity subject to
17 the provisions of the Mechanical Licensing Act shall install, modify
18 or alter mechanical systems in any incorporated area of this state
19 which has not adopted a nationally recognized mechanical code and
20 appointed an inspector pursuant to Section 1850.12 of this title or
21 pursuant to the Oklahoma Inspectors Act for such work without
22 providing notice of such mechanical work to the Board. A notice

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

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

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

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

12 SECTION 14. This act shall become effective November 1, 2007.

13 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS & LABOR, dated 2-5-07 -
14 DO PASS, As Coauthored.