

BILL SUMMARY

- MEASURE:** SB 1551 (Subcommittee Proposed Committee Substitute 1)
- AUTHOR:** Representative Renegar and Senator Lerblance
- SUBJECT:** An act relating to professions and occupations; amending provisions relating to the Oklahoma Welding Act and the Elevator Safety Act; and setting an effective date. [Title is stricken on SubPCS1.)
- PROVISIONS:**
- Section 1. AMENDATORY Adding definition to the Oklahoma Welding Act of structural steel or sheet metal welding to be the same as defined in the American Welding Society (AWS) codes D1.1 and D1.3.
- Section 2. AMENDATORY Clarifying statutory reference in the act.
- Section 3. AMENDATORY Adding subsection that American Welding Society codes shall be the structural steel welding codes for Oklahoma. Renumbering subsequent subsections, updating statutes to incorporate above.
- Section 4. AMENDATORY Clarifying statutory reference. Adding AWS codes that weldments shall meet.
- Section 5. AMENDATORY Increasing certification fee for each welder from \$25 to \$65. Updating language.
- Section 6. AMENDATORY Making exception, so that the increase in the welder certification fee will be deposited in the Safety Standards Revolving Fund (\$40).
- Section 7. AMENDATORY D. Adding subsection that beginning November 1, 2009, structural steel welders with at least 5 years of experience, shall not be required to pass a welding test.
- Section 8. AMENDATORY Allowing exception to duties of elevator mechanic's license holders pursuant to provisions in, or rules promulgated for, the Elevator Safety Act.
- Section 9. AMENDATORY Changing what specified elevators shall receive inspection to include all elevator units and frequency of inspection from every 2 years to every year.
- Section 10. AMENDATORY Clarifying language, deleting fee for

inspection of new elevator, renumbering provisions. Amending Elevator temporary mechanic license to be effective for only 30 days. Increasing inspection fees for inspection for issuance of certificate of operation or for the witnessing of any periodic test required for:

- Any escalator or moving walkway from \$125 to \$250;
- 2-4 floor elevators from \$75 to \$125;
- 5-10 floor elevators from \$100 to \$225;
- 11+ floor elevators from \$125 to \$325; and
- wheelchair lifts from \$25 to \$50.

Establishing schedule for issuing licenses and renewal of licenses.

Section 11. AMENDATORY A. 1. a. Increasing annual certificate of operation fee:

- (1) with manway state inspector from \$50 to \$75
- (2) without manway state inspector from \$25 to \$50
- (3) any size special – or owner/user inspector from \$25 to \$50
- (4) adding fee for each hot water supply heater, to occur biennially at \$10

2. b. Increasing shop review fee from \$1,250 to \$1,750.

c. Increasing licensing fee for:

- (1) repair, service, install (annually) from \$50 to \$100
- (2) installer technician (changing from one-time to every 2 years) from \$50 to \$100
- (3) boiler operator (every 2 years) from \$50 to \$100

d. Increasing certificate of competency fee from \$15 to \$25

B. Specifying reference to fees.

C. 1. Except for revenue listed below (C. 2.), the Labor Commissioner shall deposit all fees in the General Revenue Fund.

2. Deleting specified fees to be deposited in the ODOL Revolving Fund.

Deleting provision that specific fees shall be used for specific purposes.

The Commissioner shall deposit all fee revenue listed below in the Safety Standards Revolving Fund:

- a. \$25 of each certificate of operation fee (will be 1/3 to 1/2 of fees collected annually for such certificate = the increase in the fees),
- b. all fees for hot water supply heater (equals \$10 every 2 years),
- c. all shop review fees (\$1,750), inspector for weld repairs, per 8-hour day (\$300), and duplicate license fee (\$10),
- d. \$50 of each licensing fee for annual repair, service install (\$100), biennial installer technician (\$100), and biennial boiler operator (\$100), and
- e. \$10 of each certificate of competency fee (equals the increase in

the fee).

Section 12. AMENDATORY Changing that notice of the provisions of the Oklahoma Minimum Wage Act sent to every employer shall be on at least 8.5 x 11 inch sized paper, rather than 11 x 17 inch sized paper.

Section 13. AMENDATORY A. Updating language.

C. Decreasing number of hospitalized employees from 5 to 3, for when an accident report shall be made to the OKC office of the ODOL. Updating language.

E. 2. Clarifying statutory reference.

Section 14. AMENDATORY C. Changing that occupational hazard consultation shall be on a priority bases according to federal regulations.

E. Clarifying language.

F. Clarifying legal reference.

Section 15. AMENDATORY A. Increasing fee for asbestos worker examination and certification from \$25 to \$50.

The Commissioner is allowed to charge a \$50 fee for a duplicate of any license issued per the Oklahoma Asbestos Control Act.

F. 1. Except for revenue listed below (F. 2.), the Commissioner shall transfer all fees received to the General Revenue Fund, with a detailed report.

2. The Commissioner shall deposit all fee revenue to the Oklahoma Asbestos Control Revolving Fund as follows:

- a. \$25 of each annual fee for asbestos worker examination (1/2 of fee, equaling the increase), and
- b. all license duplication fees (new \$50 fee).

G. Adding new subsection, creating the Oklahoma Asbestos Control Revolving Fund, consisting of funds collected pursuant to the Oklahoma Asbestos Control Act.

Section 16. AMENDATORY Amending definition of an amusement ride, as used in Chapter 12, Amusement Rides law, to include any amusement park device that uses treated water as a means of transportation.

Section 17. AMENDATORY A. 1. Increasing annual ride registration fee from \$25 to \$50.

2. Increasing inspections fees for:
 - a. Kiddie Rides from \$25 to \$50
 - b. Major Rides from \$50 to \$100
 - c. Adding fee for Inflatable Ride = \$25
 - d. Adding fee for Water Park Ride = \$100
 - e. Adding fee for Water Quality = \$200
 - f. Adding Return Trip Fee = \$100
 - g. Other rides per hour from \$100 to \$125
3. Adding fees that the annual waiver fee shall be:
 - a. Non-complex = \$250
 - b. All other = \$1,000

E. 1. Providing for exception of some fees (listed below), the Labor Commissioner shall transfer all fees to the General Revenue Fund, with a detailed report.

2. The following fees shall be deposited in the Safety Standards Revolving Fund:

- a. half of ride registration fee (\$25 = the increase in annual fee),
- b. half of inspection fees for Kiddie and Major rides (\$25 and \$50 respectively = the increase in the fees),
- c. all inspection fees for inflatable rides (\$25), water park rides (\$100), water quality (\$200) and return trip (\$100) [equaling increase in fees],
- d. \$25 of each inspection fee on other rides per hour (equals increase in fee), and
- e. all waiver fees created in paragraph 3 of Subsection A.

F. Adding subsection, creating the Safety Standards Revolving Fund, consisting of monies collected pursuant to the Amusement Ride Safety Act, the Oklahoma Welding Act, and the Oklahoma Boiler and Pressure Vessel Safety Act.

Section 18. AMENDATORY B. Adding subsection, granting the ODOL Commissioner subpoena powers, right to seek injunctive relief to prevent operation of any amusement ride that does not have a current certificate of operation. Violations of the Amusement Ride Safety Act may be assessed by not more than a \$2,500 administrative fine, in addition to other penalties.

C. Adding subsection, any denial of a certificate of operation, or any order, or any fine may be appealed and a hearing shall be allowed, if a

written request is received by the ODOL within 30 days of the denial or fine.

Section 19. NEW LAW A. Creating the Amusement Ride Board of Appeals, with 5 members appointed by the Commissioner of Labor. 2 members experienced in the industry, 2 members appointed from an Oklahoma fair authority, and one member appointed at large.

B. Outlining initial terms of offices. After initial appointment, members of the Amusement Ride Board of Appeals shall server for 4 years.

D. The Commissioner of Labor may remove any member of the Board upon first giving the member a copy of the charges and an opportunity to be heard. A vacancy shall be filled for an unexpired term by appointment of the Commissioner of Labor.

Section 20. NEW LAW The ODOL must assess the training of amusement ride operators working in Oklahoma. The Department shall make rules necessary for certifying such operators by June 1, 2009.

EFFECTIVE

DATE: November 1, 2008

PREPARED BY: Arnella Karges

DATE: March 25, 2008