

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 2181

By: Coates

4
5
6 AS INTRODUCED

7
8 An Act relating to professions and occupations;
9 amending 59 O.S. 2001, Sections 1000.2, as last
10 amended by Section 10, Chapter 405, O.S.L. 2008, and
11 1000.4, as last amended by Section 12, Chapter 439,
12 O.S.L. 2009 (59 O.S. Supp. 2009, Sections 1000.2 and
13 1000.4), which relate to the Construction Industries
14 Board; adding masonry contractors for Board to
15 regulate; providing effective dates; modifying
16 membership of Board; adding the Masonry Trades
17 Licensing Act to Board's power to enforce; modifying
18 power of Board to include Act; creating the Masonry
19 Trades Licensing Act; providing short title; defining
20 terms; authorizing certain powers and duties of
21 Board; creating the Committee of Masonry Trades;
22 providing for membership, qualifications, terms,
23 appointment, quorum, chair, travel expenses,
24 vacancies and duties of Committee; providing for
certain powers and duties of Board; requiring certain
license; prohibiting filing lien in certain
circumstances; requiring workers' compensation for
issuance or renewal of certain license; providing for
revocation of license if workers' compensation is not
maintained; providing for reinstatement; requiring
proof of certain insurance; authorizing Board to
promulgate certain rules; requiring certain
examination; authorizing Board to issue certain
license; providing for failure to pass examination;
providing for application for licensure; setting
certain requirements for applicants; providing
certain applicant criteria for consideration by
Board; providing for issuance of licenses and
expiration; requiring continuing education for
renewal; exempting certain late fees for military
service; authorizing certain fees and disposition of

1 fees; providing exemption; requiring certain
2 information be provided to the county clerk;
3 providing for prima facie evidence in certain
4 actions; defining term; providing for certain
5 licensure without examination; providing masonry
6 contractors may act only in the name they are
7 licensed; limiting use of license; prohibiting
8 certain disposition of license for unauthorized use;
9 providing for the Masonry Trades Hearing Board;
10 authorizing Hearing Board to investigate certain
11 business transactions; providing for suspension,
12 revocation, refusal to issue or renew certain
13 licenses or registrations; providing for application
14 for new license or registration if revoked; setting
15 maximum administrative fine; providing for certain
16 enforcement authority; providing for certain findings
17 and determinations; creating the Masonry Trades
18 Licensing Act Revolving Fund to consist of certain
19 monies received by the Construction Industries Board;
20 providing for disposition of Fund for certain
21 purpose; providing for violation and penalties;
22 providing for administrative fines and disposition of
23 fines; making administrative fines enforceable;
24 providing for enjoining certain acts or practices;
authorizing Board to establish certain fines;
providing for codification; providing an effective
date; and declaring an emergency.

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

SECTION 1. AMENDATORY 59 O.S. 2001, Section 1000.2, as
last amended by Section 10, Chapter 405, O.S.L. 2008 (59 O.S. Supp.
2009, Section 1000.2), is amended to read as follows:

Section 1000.2 A. The Construction Industries Board is hereby
created to continue until July 1, 2013, in accordance with the
provisions of the Oklahoma Sunset Law. Beginning January 1, 2002,
the Board shall regulate the plumbing, electrical and mechanical

1 trades, ~~and~~ building and construction inspectors, and beginning
2 November 1, 2010, the masonry trade through the powers and duties
3 set forth in the Construction Industries Board Act and in the
4 respective licensing acts for such trades.

5 B. 1. Beginning July 1, 2008, the Board shall be composed of
6 ~~seven (7)~~ nine (9) members appointed by the Governor with the advice
7 and consent of the Senate, as follows:

8 a. two members shall have at least ten (10) years'
9 experience in the plumbing trade, of which one shall
10 be a plumbing contractor and one shall be a journeyman
11 plumber,

12 b. two members shall have at least ten (10) years'
13 experience in the electrical trade, of which one shall
14 be an electrical contractor and one shall be a
15 journeyman electrician,

16 c. two members shall have at least ten (10) years'
17 experience in the mechanical trade, of which one shall
18 be a mechanical contractor and one shall be a
19 mechanical journeyman, ~~and~~

20 d. one member shall have at least ten (10) years'
21 experience as a building and construction inspector
22 and shall be from a list recommended by a statewide
23 organization of municipal governments, and

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1 e. two members shall have at least ten (10) years
2 experience in the masonry trade.

3 2. Members shall be appointed for terms of four (4) years;
4 provided, of those members initially appointed to the Board, five
5 members shall be appointed for two-year terms, beginning September
6 1, 2001, and four members shall be appointed for four-year terms,
7 beginning September 1, 2001, as designated by the Governor. Members
8 shall continue in office until a successor is appointed by the
9 Governor. The Governor shall fill all vacancies and unexpired terms
10 in the same manner as the original appointment of the member whose
11 position is to be filled. Such members may be removed by the
12 Governor for cause.

13 SECTION 2. AMENDATORY 59 O.S. 2001, Section 1000.4, as
14 last amended by Section 12, Chapter 439, O.S.L. 2009 (59 O.S. Supp.
15 2009, Section 1000.4), is amended to read as follows:

16 Section 1000.4 A. 1. Beginning September 1, 2001, pursuant to
17 and in compliance with Article I of the Administrative Procedures
18 Act, the Construction Industries Board shall have the power to
19 adopt, amend, repeal, and promulgate rules as may be necessary to
20 regulate the plumbing, electrical and mechanical trades, building
21 and construction inspectors ~~and~~, beginning November 1, 2008, home
22 inspectors, and beginning November 1, 2010, masonry trades. Rules
23 authorized under this section shall not become effective prior to
24 January 1, 2002.

1 2. Beginning January 1, 2002, the Board shall have the power to
2 enforce the provisions of the Construction Industries Board Act, The
3 Plumbing License Law of 1955, the Oklahoma Inspectors Act, the
4 Electrical License Act, the Mechanical Licensing Act ~~and~~, beginning
5 November 1, 2008, the Home Inspection Licensing Act, and beginning
6 November 1, 2010, the Masonry Trades Licensing Act.

7 3. In addition to rules promulgated by the Construction
8 Industries Board, rules promulgated by the State Board of Health
9 prior to January 1, 2002, shall be the rules of the Construction
10 Industries Board and shall continue in effect until such rules are
11 amended or repealed by rules promulgated by the Construction
12 Industries Board.

13 4. Any order made or action taken prior to January 1, 2002, by
14 the State Board of Health, the State Department of Health, or the
15 State Commissioner of Health pursuant to the provisions of, or rules
16 promulgated pursuant to, The Plumbing License Law of 1955, the
17 Oklahoma Inspectors Act, the Electrical License Act, the Mechanical
18 Licensing Act or, any order made or action taken prior to November
19 1, 2008, pursuant to the Home Inspection Licensing Act, shall be
20 considered valid and in effect unless rescinded by the Construction
21 Industries Board.

22 B. The Board shall have the following powers:

23 1. Exercise all incidental powers and duties which are
24 necessary to effectuate the provisions of The Plumbing License Law

1 of 1955, the Oklahoma Inspectors Act, the Electrical License Act,
2 the Mechanical Licensing Act and, the Home Inspection Licensing Act,
3 and the Masonry Trades Licensing Act;

4 2. Serve as a code variance and appeals board for the trades
5 and industries it regulates which do not have statutory code
6 variance and appeals boards;

7 3. Order or subpoena the attendance of witnesses, the
8 inspection of records and premises, and the production of relevant
9 books and papers for the investigation of matters that may come
10 before the Board;

11 4. Initiate disciplinary proceedings, request prosecution of
12 and initiate injunctive proceedings against any person who violates
13 any of the provisions of the Plumbing License Law of 1955, the
14 Oklahoma Inspectors Act, the Electrical License Act, the Mechanical
15 Licensing Act and, the Home Inspection Licensing Act, and the
16 Masonry Trades Licensing Act;

17 5. Maintain an administrative staff including, but not limited
18 to, a Construction Industries Administrator whose appointment shall
19 be made as provided in Section 1000.6 of this title;

20 6. Establish and levy administrative fines against any person
21 or entity denying the Board or its representatives access to a job
22 site for purposes of enforcing any of the provisions of the Plumbing
23 License Law of 1955, the Oklahoma Inspectors Act, the Electrical
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1 License Act, ~~and~~ the Mechanical Licensing Act, and the Masonry
2 Trades Licensing Act;

3 7. Direct such other expenditures as may be necessary in the
4 performance of its duties including, but not limited to,
5 expenditures for office space, equipment, furnishings and contracts
6 for legal services. All expenditures shall be made pursuant to the
7 Oklahoma Central Purchasing Act; and

8 8. Enforce provisions of the plumbing, electrical and
9 mechanical, and masonry codes as adopted by the Oklahoma Uniform
10 Building Code Commission pursuant to the Oklahoma Uniform Building
11 Code Commission Act.

12 C. After July 1, 2004, the Board shall account for all receipts
13 and expenditures of the monies of the Board, including annually
14 preparing and publishing a statement of receipts and expenditures of
15 the Board for each fiscal year. The Board's annual statement of
16 receipts and expenditures shall be audited by the State Auditor and
17 Inspector or an independent accounting firm, and the audit report
18 shall be certified to the Governor of this state to be true and
19 correct, under oath, by the chair and vice-chair of the Board.

20 D. Effective January 1, 2002, all powers, duties,
21 responsibilities, employees, records, and equipment of the State
22 Board of Health, the State Department of Health, and the State
23 Commissioner of Health relating exclusively to the regulation of the
24 plumbing, electrical and mechanical trades, building and

1 construction inspectors ~~and~~, beginning November 1, 2008, home
2 inspectors, and beginning November 1, 2010, the masonry trades shall
3 be placed under the authority of the Construction Industries Board.
4 To the extent practicable, this shall include all computer hardware
5 and software used in regulating industries listed in this section.
6 Until July 1, 2004, the State Department of Health shall provide all
7 necessary administrative support, including, but not limited to,
8 office space, equipment, furnishings, and legal staff support for
9 the Board and may manage the Board's funds, subject to Board
10 approval. The Construction Industries Board may contract for
11 additional legal and administrative services as necessary, pursuant
12 to the Central Purchasing Act. Employees shall be under the
13 direction of the Construction Industries Administrator and the
14 Construction Industries Board.

15 E. The Construction Industries Board and the State Board of
16 Health may enter into an agreement for the transfer of personnel
17 into the unclassified service under the direction of the
18 Construction Industries Board effective January 1, 2002, and for
19 personnel exclusively related to the regulation of home inspectors,
20 effective November 1, 2008. No employee shall be transferred into
21 the unclassified service under the direction of the Construction
22 Industries Board except on the freely given written consent of the
23 employee. All classified employees under the Merit System of
24 Personnel Administration who are not transferred into the

1 unclassified service as provided shall retain the status in the
2 class occupied by the employee on July 1, 2001, and for personnel
3 exclusively related to the regulation of home inspectors, occupied
4 by the employee on November 1, 2008, as allocated by the Office of
5 Personnel Management. The salary of such an employee shall not be
6 reduced as a result of such position allocation. Employees who are
7 transferred as provided shall not be required to accept a lesser
8 grade or salary than that in effect on July 1, 2001, and for
9 personnel exclusively related to the regulation of home inspectors,
10 than that in effect on November 1, 2008. All employees shall retain
11 leave, sick and annual time earned, and any retirement and longevity
12 benefits which have accrued during their tenure in the classified
13 service. The transfer of personnel shall be coordinated with the
14 Office of Personnel Management.

15 SECTION 3. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 3200.1 of Title 59, unless there
17 is created a duplication in numbering, reads as follows:

18 This section through Section 18 of this act shall be known and
19 may be cited as the "The Masonry Trades Licensing Act".

20 SECTION 4. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 3200.2 of Title 59, unless there
22 is created a duplication in numbering, reads as follows:

23 As used in the Masonry Trades Licensing Act:

24 1. "Board" means the Construction Industries Board;

1 2. "Committee" means the Committee of Masonry Trades; and

2 3. "Masonry contractor" means any person, firm, partnership,
3 copartnership, association, corporation, or other organization or
4 any combination thereof, which for a fixed price, commission, fee or
5 wage, attempts to or submits a bid to construct or contract or
6 undertakes to construct or assumes charge in a supervisory capacity
7 or otherwise manages the construction or reconstruction of any
8 commercial or residential project where a part of the job requires
9 the skill of bricklaying, rock, stone, tile or cement block setting,
10 or the application of cement or mortar to secure brick, stone, rock,
11 tile, cement blocks or artificial stone-like materials.

12 SECTION 5. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 3200.3 of Title 59, unless there
14 is created a duplication in numbering, reads as follows:

15 The Construction Industries Board shall have the power and duty
16 to:

17 1. Promulgate, prescribe, amend, and repeal rules necessary to
18 implement the provisions of the Masonry Trades Licensing Act
19 including, but not limited to, defining categories and limitations
20 for such licenses and establishing bond and insurance requirements,
21 not to include any municipal requirements for bond or insurance;

22 2. Adopt minimum standards for commercial and residential
23 projects; and

24 3. Require compliance with code and permitting processes.

1 SECTION 6. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3200.4 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 A. There is hereby created the Committee of Masonry Contractors
5 which shall consist of five (5) members. All members shall be
6 citizens of the United States and shall be residents of this state.
7 The term of members shall be staggered and shall be for three (3)
8 years or until a successor has been appointed.

9 B. Members of the Committee shall be appointed as follows:

10 1. Two members shall be appointed by the President Pro Tempore
11 of the Senate, all of whom shall be appointed from a list of at
12 least ten (10) names submitted by a trade organization or
13 organizations that represent the masonry trade and one shall have at
14 least five (5) years' experience in commercial bricklaying and one
15 of whom shall have at least three (3) years' experience in
16 residential bricklaying;

17 2. Two members shall be appointed by the Speaker of the House
18 of Representatives, all of whom shall be appointed from a list of at
19 least ten (10) names submitted by a trade organization or
20 organizations that represent the residential building construction
21 industry and one shall have at least five (5) years' experience in
22 commercial bricklaying and one shall have at least three (3) years
23 experience in residential bricklaying; and
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1 3. One member shall be appointed by the Construction Industries
2 Board.

3 C. A majority of the Committee shall constitute a quorum. The
4 Committee shall elect a chair from its number. Each member shall
5 receive travel expenses in accordance with the provisions of the
6 State Travel Reimbursement Act.

7 D. Vacancies shall be filled within thirty (30) days in the
8 same manner as appointments were made. Persons appointed to fill
9 vacancies shall serve the unexpired term of office and shall possess
10 the same qualifications as if they were being appointed to a full
11 term on the Committee.

12 E. The Committee shall:

13 1. Assist and advise the Construction Industries Board on all
14 matters pertaining to the formation of rules pursuant to the
15 provisions of the Masonry Trades Licensing Act;

16 2. Assist and advise the Construction Industries Board on the
17 examinations for applicants for licenses as a masonry contractor and
18 on all matters relating to the licensing of masonry contractors; and

19 3. Assist and advise the Board in such other matters as
20 requested thereby.

21 SECTION 7. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 3200.5 of Title 59, unless there
23 is created a duplication in numbering, reads as follows:

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1 The Construction Industries Board shall have the power and duty
2 to:

3 1. Issue, renew, suspend, revoke, modify or deny licenses to
4 engage in contracting work pursuant to the Masonry Trades Licensing
5 Act;

6 2. Enter upon public and private property for the purpose of
7 inspecting workers' licenses and contracting work for compliance
8 with the provisions of the Masonry Trades Licensing Act and of the
9 rules of the Board promulgated pursuant thereto;

10 3. Employ personnel to conduct investigations and inspections;

11 4. Enforce the standards and rules promulgated pursuant to the
12 Masonry Trades Licensing Act;

13 5. Reprimand or place on probation, or both, any holder of a
14 license pursuant to the Masonry Trades Licensing Act;

15 6. Investigate complaints and hold hearings;

16 7. Initiate disciplinary proceedings, request prosecution of
17 and initiate injunctive proceedings against any person who violates
18 any of the provisions of the Masonry Trades Licensing Act or any
19 rule promulgated pursuant thereto;

20 8. Establish and levy administrative fines against any person
21 who violates any of the provisions of the Masonry Trades Licensing
22 Act or any rule promulgated pursuant thereto;

23 9. Conduct investigations into the qualifications of applicants
24 for licensure and registration on the request of the Board;

1 10. Develop and administer the examinations approved by the
2 Committee of Masonry Trades for applicants for licenses as a masonry
3 contractor; and

4 11. Exercise all incidental powers as necessary and proper to
5 implement and enforce the provisions of the Masonry Trades Licensing
6 Act and the rules promulgated pursuant thereto.

7 SECTION 8. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 3200.6 of Title 59, unless there
9 is created a duplication in numbering, reads as follows:

10 A. No person shall engage in, or offer to engage in, by
11 advertisement or otherwise, any work as a masonry contractor who
12 does not possess a valid license from the Construction Industries
13 Board. No business entity shall act as a masonry contractor firm
14 unless a licensed masonry contractor is associated with and
15 responsible for all masonry contracting work of such entity.

16 B. Any person or business entity engaging in work as a masonry
17 contractor without a license as provided by law is prohibited from
18 filing a lien on the project.

19 SECTION 9. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 3200.7 of Title 59, unless there
21 is created a duplication in numbering, reads as follows:

22 A. A masonry contractor required to be licensed by the
23 Construction Industries Board shall secure the payment of workers'
24 compensation under the Workers' Compensation Act.

1 B. The Board shall require proof of current workers'
2 compensation coverage before issuing or renewing a license;
3 provided, if a masonry contractor fails to maintain workers'
4 compensation coverage, the Board shall revoke the masonry
5 contractor's license.

6 C. A masonry contractor's license that has been revoked due to
7 failure to maintain workers' compensation coverage may be reinstated
8 upon receipt of proof that the masonry contractor has secured
9 workers' compensation coverage.

10 D. A masonry contractor required to be licensed by the Board
11 shall provide proof of liability insurance of the amount set by the
12 Board.

13 E. The Board shall promulgate rules necessary to enforce this
14 section.

15 SECTION 10. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 3200.8 of Title 59, unless there
17 is created a duplication in numbering, reads as follows:

18 A. Except as otherwise provided in the Masonry Trades Licensing
19 Act, no person shall be licensed as a masonry contractor unless the
20 person has passed a written examination. Examinations for licenses
21 as masonry contractors shall be uniform and practical in nature and
22 shall be sufficiently strict as to test the qualifications and
23 fitness of the applicants for licenses. Examinations shall be in
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1 whole or in part in writing. The Committee of Masonry Trades shall
2 supply examinations.

3 B. If the result of the examination of any applicant shall be
4 satisfactory to the Construction Industries Board, and if the
5 application complies with the Board's rules, then the Board shall
6 issue to the applicant a license to engage in masonry contracting in
7 the this state.

8 C. Any applicant initially failing to pass the examination
9 shall not be permitted to take another examination for a period of
10 thirty (30) days. Any applicant subsequently failing to pass the
11 examination shall not be permitted to take another examination for a
12 period of ninety (90) days.

13 SECTION 11. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 3200.9 of Title 59, unless there
15 is created a duplication in numbering, reads as follows:

16 A. Application for licensure shall be made on forms prescribed
17 by the Committee of Masonry Trades. Applicants shall have a Federal
18 Tax ID number and a legal physical address and phone number in this
19 state.

20 B. In determining the qualifications of any applicant for
21 original license or any renewal license, the Construction Industries
22 Board shall consider, among other things, the following:

- 23 1. Experience;
- 24 2. Ability;

1 3. The manner of performance of previous contracts;

2 4. Education;

3 5. Any other fact tending to show ability and willingness to
4 conserve the public health and safety; and

5 6. Default in complying with the provisions of the Masonry
6 Trades Licensing Act or any other law of the state.

7 SECTION 12. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 3200.10 of Title 59, unless
9 there is created a duplication in numbering, reads as follows:

10 All licenses issued by the Construction Industries Board shall
11 be issued for no longer than one (1) year expiring on the last day
12 of the licensee's birthmonth. No masonry contractor license shall
13 be renewed unless the licensee has completed the required hours of
14 continuing education as determined by the Committee of Masonry
15 Trades. No late fee shall be charged to renew a license which
16 expired while the applicant was in military service, if application
17 is made within one (1) year of discharge from the military. The
18 Board may charge reasonable examination fees and delinquency fees
19 and may charge a fee for new licenses or renewal of a license. All
20 fees and other monies collected by the Committee shall be disposed
21 of as provided in Section 17 of this act and shall be used by the
22 Board to implement the Masonry Trades Licensing Act.

1 SECTION 13. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3200.11 of Title 59, unless
3 there is created a duplication in numbering, reads as follows

4 The Masonry Trades Licensing Act shall not apply to owners of
5 property who improve such property or who build or improve
6 structures or appurtenances on such property and who do the work
7 themselves or with their own employees, if the structure, group of
8 structures or appurtenances, including the improvements thereto, are
9 intended for occupancy solely by the owner and are not intended for
10 occupancy by members of the public such as the owner's employees or
11 business visitors and the structures or appurtenances are not
12 intended for sale or for rent. In all actions brought under the
13 Masonry Trades Licensing Act, proof of the sale or rent or the
14 offering for sale or rent of any such structure by the owner-builder
15 within two years after completion or issuance of a certificate of
16 occupancy is prima facie evidence that such project was undertaken
17 for the purpose of sale or rent. For the purposes of this section,
18 "sale or rent" means any arrangement by which the owner receives
19 compensation in money, provisions, chattels or labor from the
20 occupancy or the transfer of the property or the structures on the
21 property.

22 SECTION 14. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 3200.12 of Title 59, unless
24 there is created a duplication in numbering, reads as follows:

1 The Construction Industries Board shall, upon proper application
2 and payment of fees from ninety (90) days after the effective date
3 of this act and until January 30, 2011, but not thereafter, issue a
4 license without examination to any person who can demonstrate to the
5 Board that the person has been engaged in the business of masonry
6 contracting for three (3) years preceding the effective date of this
7 act and who has otherwise complied with the requirements of the
8 Masonry Trades Licensing Act.

9 SECTION 15. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 3200.13 of Title 59, unless
11 there is created a duplication in numbering, reads as follows:

12 A. A masonry contractor may act as such only in the name under
13 which such person is issued a license by the Construction Industries
14 Board.

15 B. No masonry contractor license may be used for any purpose by
16 any person other than the person to whom the license is issued. No
17 license may be assigned, transferred or otherwise disposed of so as
18 to permit the unauthorized use thereof.

19 SECTION 16. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 3200.14 of Title 59, unless
21 there is created a duplication in numbering, reads as follows:

22 A. The designee of the Construction Industries Board, as chair,
23 and the Committee of Masonry Trades shall constitute the Masonry
24 Trades Hearing Board and shall comply with the provisions of Article

1 II of the Administrative Procedures Act when conducting hearings for
2 license violations.

3 B. The Masonry Trades Hearing Board may, upon its own motion,
4 and shall, upon written complaint filed by any person, investigate
5 the business transactions of any masonry contractor, or masonry
6 contractor firm. The Masonry Trades Hearing Board shall suspend or
7 revoke or may refuse to issue or renew any license or registration
8 under the Masonry Trades Licensing Act for any of the following:

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

12 2. Obtaining any license or registration by false or fraudulent
13 representation;

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

16 4. Demonstrating incompetence to act as a masonry contractor;

17 5. Failure to supply the license number with the name, address
18 and phone number of the masonry contractor on all contracts, bids,
19 proposals, submittals and documents;

20 6. Violating any provisions of the Masonry Trades Licensing
21 Act, or any rule or order prescribed by the Construction Industries
22 Board pursuant to the provisions of the Masonry Trades Licensing
23 Act; or

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1 7. Willfully failing to perform normal business obligations
2 without justifiable cause.

3 C. Any person whose license or registration has been revoked by
4 the Masonry Trades Hearing Board may apply for a new license after
5 one (1) year from the date of such revocation.

6 D. Enforcement of this section is authorized pursuant to the
7 Masonry Trades Licensing Act, or under authority granted to the
8 Construction Industries Board.

9 E. The Masonry Trades Hearing Board shall within a reasonable
10 time make findings and determinations as a result of the hearings.

11 SECTION 17. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 3200.15 of Title 59, unless
13 there is created a duplication in numbering, reads as follows:

14 There is hereby created in the State Treasury a revolving fund
15 for the Construction Industries Board, to be designated the "Masonry
16 Trades Licensing Act Revolving Fund". The fund shall be a
17 continuing fund, not subject to fiscal year limitations, and shall
18 consist of all monies received by the Board pursuant to the Masonry
19 Trades Licensing Act, including any administrative fines imposed.
20 All monies accruing to the credit of the fund are hereby
21 appropriated and may be budgeted and expended by the Board for the
22 purpose of implementing the Masonry Trades Licensing Act.
23 Expenditures from the fund shall be made upon warrants issued by the
24 State Treasurer against claims filed as prescribed by law with the

1 Director of State Finance for approval and payment. This fund shall
2 be subject to the provisions of Section 211 of Title 62 of the
3 Oklahoma Statutes.

4 SECTION 18. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 3200.16 of Title 59, unless
6 there is created a duplication in numbering, reads as follows:

7 A. Any masonry contractor or masonry contractor firm who
8 violates any of the provisions of the Masonry Trades Licensing Act,
9 in addition to suspension or revocation of a license, upon
10 conviction, shall be guilty of a misdemeanor and punished by a fine
11 not exceeding Hundred Dollars (\$100.00), together with the court
12 costs.

13 B. If after a hearing in accordance with the provisions of the
14 Administrative Procedures Act, the Masonry Trades Hearing Board
15 shall find any masonry contractor or masonry contractor firm to be
16 in violation of any of the provisions of the Masonry Trades
17 Licensing Act, such person or firm may be subject to an
18 administrative fine for each violation, not exceeding One Hundred
19 Dollars (\$100.00) per occurrence. Each day a person or firm is in
20 violation of the Masonry Trades Licensing Act may constitute a
21 separate violation. All administrative fines collected pursuant to
22 the provisions of this subsection shall be deposited in the Masonry
23 Trades Licensing Act Revolving Fund created in Section 17 of this
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1 act. Administrative fines imposed pursuant to this subsection shall
2 be enforceable in the district courts of this state.

3 C. The Masonry Trades Hearing Board may make application to the
4 appropriate court for an order enjoining the acts or practices
5 prohibited by the Masonry Trades Licensing Act.

6 D. The Construction Industries Board, with the advice of the
7 Committee of Masonry Trades, may establish administrative fines by
8 rule.

9 SECTION 19. This act shall become effective July 1, 2010.

10 SECTION 20. It being immediately necessary for the preservation
11 of the public peace, health and safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

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