HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 3089 By: Sanders of the House

and

Ballenger of the Senate

COMMITTEE SUBSTITUTE

An Act relating to professions and occupations; providing for regulation of fire sprinklers; authorizing State Fire Marshal Commission to promulgate rules; creating the Fire Sprinkler Industry Committee; providing for members, terms, vacancies, quorum, meetings and duties of the Committee; creating the Fire Sprinkler System Revolving Fund; requiring certain license; establishing qualifications, examination and fees for licensure; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1840.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

In the interest of safeguarding lives and property, all powers, duties and responsibilities relating to the licensing and testing of

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~~Strike thru~~ language denotes deletion from present Statutes.

fire sprinklers and fire sprinkler systems are hereby placed under the authority of the State Fire Marshal Commission. The State Fire Marshal Commission is hereby authorized to promulgate rules as may be necessary for the licensing and testing of fire sprinklers and fire sprinkler systems.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1840.2 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Fire Sprinkler Industry Committee which shall consist of the following seven (7) members:

1. One member shall be the State Fire Marshal, or a designated representative;

2. One member shall be the Assistant State Fire Marshal, or a designated representative; and

3. Five members shall be appointed by the State Fire Marshal Commission. The Commission shall appoint the five members within thirty (30) days after the effective date of this act. Four of the appointed members shall each have at least five (5) years of experience in the fire sprinkler industry. One of the appointed members shall be a lay member fire service representative. No member of the Committee shall have any kind of employment relationship with any other member.

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B. The term of each appointed member shall be four (4) years and the terms shall be staggered. Provided, the terms of the first appointed members of the Committee shall be as follows:

1. One member shall be appointed to a term ending May 31, 2015;

2. One member shall be appointed to a term ending May 31, 2016;

3. One member shall be appointed to a term ending May 31, 2017;

4. One member shall be appointed to a term ending May 31, 2018; and

5. One member shall be appointed to a term ending May 31, 2019.

Each appointed member shall hold office until his or her successor is appointed.

C. Appointed members may be removed from office by the State Fire Marshal Commission for cause.

D. Vacancies shall be filled by appointment by the State Fire Marshal Commission for the unexpired term of the vacancy.

E. The Committee shall elect from among its membership a chair, vice-chair and secretary to serve terms of not more than two (2) years ending on May 31 of the year designated by the Committee. The chair or vice-chair shall preside at all meetings.

F. A majority of Committee members shall constitute a quorum to transact official business.

G. The Committee shall meet within thirty (30) days after the effective date of this act and shall meet thereafter at such times as the Committee deems necessary.

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H. The Committee shall assist and advise the State Fire Marshal Commission on all matters relating to the formulation of rules and standards regarding the fire sprinkler industry.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1840.3 of Title 59, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the State Fire Marshal, to be designated the "Fire Sprinkler System Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Fire Sprinkler System Revolving Fund or the State Fire Marshal pursuant to this act. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Office of the State Fire Marshal for the purpose of administration, implementation, and enforcement of this act, including, but not limited to, office administration and personnel expense, licensing and training, reimbursements in accordance with the State Travel Reimbursement Act, and other necessary expenses relating to this act. The State Fire Marshal shall not expend or transfer any monies from this fund for any purpose not relating to this act. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment. No funds shall be transferred

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from the Department of Labor or any other entity to the State Fire Marshal for the administration, implementation or enforcement of this act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1840.4 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. No person shall engage in the fire sprinkler industry business in this state without first having obtained a license pursuant to this act. Licenses shall be issued annually.

B. Any person applying for a license to engage in the fire sprinkler industry business pursuant to this act shall provide evidence to the Fire Sprinkler Industry Committee that the individual within this state having direct supervision over the function and local operations of such fire sprinkler industry business or a branch thereof has the following qualifications:

1. Is at least eighteen (18) years of age;

2. Has not been declared, by any court of competent jurisdiction, incompetent by reason of mental defect or disease, and has not been restored to competency;

3. Is not a habitual user of intoxicating liquors or a user of any illegal or illicit drug or controlled substance, including, but not limited to, the nonmedical use of any prescription drug or other intoxicating substance;

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4. Has not been discharged from the Armed Services of the United States under dishonorable conditions;

5. Is of good moral character; and

6. Meets such other standards as may be established by the Fire Sprinkler Industry Committee relating to experience or knowledge of the fire sprinkler industry.

C. The applicant shall advise the Committee and furnish full information on each individual described in subsection B of this section of any conviction of a felony or any crime involving moral turpitude for which a full pardon has not been granted and furnish a recent photograph of a type prescribed by the Committee and two classifiable sets of fingerprints of such individual. Each applicant shall have a security background verification.

D. Each applicant shall pass an examination prescribed by the Fire Sprinkler Industry Committee.

E. The following fees apply to fire sprinkler industry licensure:

1. Initial application and license fees:

a.	company application and license	$250.00
b.	company manager and plan and design	$200.00
c.	inspector, technician, salesperson	$75.00
d.	technician trainee	$25.00

2. Renewal fees:

a.	company license	$250.00

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b. company manager and plan and design $100.00

c. inspector, technician, salesperson $35.00

d. technician trainee $15.00

SECTION 5. This act shall become effective November 1, 2014.

COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/26/2014 - DO PASS, As Amended and Coauthored.

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