

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 HOUSE BILL 2350

By: Roberts (Dustin)

4  
5  
6 AS INTRODUCED

7 An Act relating to professions and occupations;  
8 creating the Foundation Repair Contractors Act;  
9 defining terms; providing exceptions; authorizing  
10 Construction Industries Board to employ personnel and  
11 equipment; authorizing Board to promulgate rules;  
12 prohibiting certain actions; authorizing issuance of  
13 certain licenses; providing requirements for certain  
14 licenses; providing for application of license;  
15 providing for issuance of license; requiring  
16 employment of certain license holder; prohibiting  
17 enforcement of certain contracts; providing for  
18 penalties; providing for codification; and providing  
19 an effective date.

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

21 SECTION 1. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 1160.1 of Title 59, unless there  
23 is created a duplication in numbering, reads as follows:

24 This act shall be known and may be cited as the "Foundation  
Repair Contractors Act".

SECTION 2. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 1160.2 of Title 59, unless there  
is created a duplication in numbering, reads as follows:

1 As used in the Foundation Repair Contractors Act:

2 1. "Board" means the Construction Industries Board or any  
3 person designated by the Board to administer the provisions of this  
4 act;

5 2. "Foundation" means that portion of a structure that serves  
6 the function of:

7 a. supporting an overlying structure,

8 b. providing a base for an overlying structure, or

9 c. transmitting loads from an overlying structure to the  
10 underlying soils;

11 3. "Foundation repair contracting" means performing or offering  
12 to perform the design, installation, or construction functions in  
13 connection with the repair or maintenance of a foundation;

14 4. "Foundation repair contractor" means an individual or  
15 business engaged in foundation repair contracting for the public;  
16 and

17 5. "Mobile structure" means a structure that has wheels  
18 attached for the purpose of moving the structure from one location  
19 to another.

20 SECTION 3. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 1160.3 of Title 59, unless there  
22 is created a duplication in numbering, reads as follows:

23 A. The Foundation Repair Contractors Act shall not apply to:  
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1 1. An individual homeowner who, without paid help, repairs the  
2 foundation of the individual's residence;

3 2. An individual licensed as an engineer by the State Board of  
4 Licensure for Professional Engineers and Land Surveyors, who engages  
5 in foundation repair contracting in connection with the business in  
6 which the individual is employed but who does not engage in that  
7 work for the public; or

8 3. An individual who engages in foundation repair contracting  
9 for a mobile structure.

10 B. An individual is not required to hold a license under this  
11 act if the individual is engaged in foundation repair under the  
12 supervision of a license holder under this act.

13 C. Foundation repair contracting by an individual who is exempt  
14 under this act remains subject to a permit, inspection, or approval  
15 requirement established by a municipal ordinance.

16 SECTION 4. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 1160.4 of Title 59, unless there  
18 is created a duplication in numbering, reads as follows:

19 The Construction Industries Board is authorized to employ  
20 personnel and procure such supplies and equipment as may be  
21 necessary to carry out and implement the provisions of the  
22 Foundation Repair Contractors Act, subject to budgetary limitations  
23 and funding. The Construction Industries Board may promulgate rules  
24 to implement the provisions of this act.

1 SECTION 5. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1160.5 of Title 59, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. An individual shall not engage in foundation repair  
5 contracting unless the individual holds a license under the  
6 Foundation Repair Contractors Act.

7 B. An individual who holds a license issued under this act is  
8 not required to hold a license issued by a municipality to engage in  
9 foundation repair contracting in the municipality.

10 C. The Board shall issue master, journeyman, tradesman  
11 apprentice, and apprentice foundation repair contractor licenses.

12 D. A master license entitles the license holder to engage in  
13 foundation repair contracting.

14 E. An applicant for a master license under this act shall:

15 1. Be at least twenty-one (21) years of age;

16 2. Have at least sixty (60) months of documented, practical  
17 experience working in foundation repair contracting under the  
18 supervision of a master license holder during the preceding seven  
19 (7) years;

20 3. Have a high school diploma or its equivalent; and

21 4. Pass an examination administered by the Board.

22 F. A journeyman license entitles the license holder to engage  
23 in the design and sale of foundation repair and of lifting,  
24 lowering, and adjusting buildings under the supervision of a master

1 license holder. An applicant for a journeyman license under this  
2 act shall:

3 1. Be at least twenty-one (21) years of age;

4 2. Have at least twenty-four (24) months of documented,  
5 practical experience working in foundation repair contracting under  
6 the supervision of a master license holder during the preceding five  
7 (5) years;

8 3. Have a high school diploma or its equivalent; and

9 4. Pass an examination administered by the Board.

10 G. A tradesman apprentice license entitles the license holder  
11 to engage in providing an estimate or design for a foundation repair  
12 or for the lifting, lowering, or adjusting of a building if the  
13 estimate or design is reviewed and approved in writing by a master  
14 license holder not later than the tenth business day after the date  
15 the estimate or design is presented to a member of the public. An  
16 applicant for a tradesman apprentice license under this act shall:

17 1. Be at least twenty-one (21) years of age;

18 2. Have a high school diploma or its equivalent; and

19 3. Pass an examination administered by the Board.

20 H. An apprentice license entitles the license holder to engage  
21 in the repair of a foundation under the supervision of a master  
22 license holder. An applicant for an apprentice license under this  
23 act shall be at least eighteen (18) years of age.

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1 I. For purposes of determining an applicant's practical  
2 experience under this act, a four-year degree in engineering is  
3 equivalent to two (2) years of practical experience if:

4 1. The degree is from an institution of higher education; and

5 2. The institution's program is approved by the State Board of  
6 Licensure for Professional Engineers and Land Surveyors for the  
7 purpose of licensing engineers.

8 SECTION 6. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 1160.6 of Title 59, unless there  
10 is created a duplication in numbering, reads as follows:

11 A. An applicant for a license shall submit an application on  
12 the form prescribed by the Board.

13 B. The application shall specify the class of license for which  
14 the applicant is applying.

15 C. The application shall be accompanied by:

16 1. A statement containing evidence satisfactory to the Board of  
17 the applicant's required practical experience; and

18 2. The examination fee.

19 D. The Board may conduct a criminal background check on an  
20 applicant.

21 E. The Board shall prescribe a separate examination for each  
22 class of license, except that an examination is not required for an  
23 apprentice license.

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1           SECTION 7.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1160.7 of Title 59, unless there  
3 is created a duplication in numbering, reads as follows:

4           A. The Board shall issue a foundation repair contractor license  
5 to an applicant that:

- 6           1. Passes the applicable examination;
- 7           2. Passes a criminal background check;
- 8           3. Pays the required fees; and
- 9           4. Meets the requirements of the Foundation Repair Contractors  
10 Act.

11           B. Not later than the thirtieth day after the date an applicant  
12 fulfills the license requirements, the Board shall issue a license  
13 to the applicant.

14           C. A license issued under this act expires at the end of the  
15 license period set by the Board.

16           D. To renew a license, the license holder shall:

- 17           1. Submit a renewal application in the form prescribed by the  
18 Board;
- 19           2. Pay the required fee; and
- 20           3. Show evidence of having completed the continuing education  
21 requirements established by the Board.

22           E. The Board shall prescribe the design of an original license  
23 and a renewal license.

24

1 F. The Board shall adopt rules relating to the use, display and  
2 advertisement of a license.

3 SECTION 8. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 1160.8 of Title 59, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. A foundation repair contracting company shall employ at  
7 least one full-time license holder who holds a master license.

8 B. A foundation repair contracting company that does not employ  
9 a license holder as required by subsection A of this section at the  
10 time a contract for foundation repair contracting services is signed  
11 and at the time the services are performed shall not collect a fee  
12 or otherwise enforce the contract.

13 SECTION 9. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 1160.9 of Title 59, unless there  
15 is created a duplication in numbering, reads as follows:

16 A. Criminal penalties:

17 Any person or entity who engages, or offers to engage, in  
18 foundation repair contracting in this state without being licensed  
19 by the Construction Industries Board or any person who violates any  
20 provision of the Foundation Repair Contractors Act, shall be guilty  
21 of a misdemeanor, punishable by a fine of not less than Two Hundred  
22 Fifty Dollars (\$250.00), nor more than Two Thousand Dollars  
23 (\$2,000.00).

24 B. Administrative penalties:

1 Any person or entity who has been determined by the Board to  
2 have violated any provision of this act, or any rule, regulation or  
3 order issued pursuant to such provisions, may be liable for an  
4 administrative penalty of not less than Two Hundred Fifty Dollars  
5 (\$250.00) nor more than Ten Thousand Dollars (\$10,000.00) for each  
6 separate violation.

7 SECTION 10. This act shall become effective November 1, 2014.

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9 54-2-8125 LRB 01/05/14

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