

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 591

By: Jolley of the Senate

3 and

4 Wallace of the House

5
6
7 [professions and occupations - apprentices for
8 plumbing, electrical and mechanical professions -
9 apprentice application and renewals - failure to pass
examination - violations - codification - effective
date]

10 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
11 entire bill and insert

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13 "An Act relating to professions and occupations;
14 amending 59 O.S. 2011, Sections 1013 and 1850.9,
15 which relate to apprentices for plumbing, electrical
16 and mechanical professions; modifying language;
17 providing for apprentice application and renewals;
18 prohibiting work without certain apprentice
19 registration; providing for submission of certain
20 forms; providing certain grace period for
21 registration or examination; allowing apprentice
22 registration during grace period without
disciplinary action; excepting certain persons
during grace period from apprentice registration
requirements for examination; providing certain
retest within certain period; providing certain wait
period for failure to pass examination within
certain grace period; construing violations after
certain grace period; construing effects of grace
period on certain rules and laws; providing for
codification; and providing an effective date.

23
24 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1013, is
2 amended to read as follows:

3 Section 1013. A. The Construction Industries Board shall, upon
4 proper application and payment of fee, register as a plumber's
5 apprentice, and shall issue a certificate of registration to,
6 persons who furnish proof satisfactory to the Board that they are
7 sixteen (16) years of age or older and are enrolled in a recognized
8 school or training course for plumber apprentices, or have arranged
9 for employment as a plumber's apprentice with a licensed plumbing
10 contractor. The certificate of an apprentice shall expire at the
11 end of one (1) year from date of issuance, at which time ~~the Board~~
12 ~~may issue a renewal certificate upon payment of the renewal fee~~ the
13 plumber's apprentice may reregister and receive, upon payment of the
14 plumber's apprentice registration renewal fee, a renewal
15 certificate. No person shall act as, or perform the work of, a
16 plumber's apprentice without a current and valid certificate of
17 registration or other proof of proper application acceptable to the
18 Board.

19 B. All applications or renewals shall be made in writing to the
20 Board on forms provided, if necessary, by the Board. All
21 applications or renewals shall be accompanied by the appropriate
22 fee.

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1013.1 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Notwithstanding any other provision of law concerning the
5 plumbing profession:

6 1. Ninety (90) days from and after the effective date of this
7 act it shall be unlawful for any person to act as, or perform the
8 work of, a plumber's apprentice, as defined in Section 1003 of Title
9 59 of the Oklahoma Statutes, until such person has registered as a
10 plumber's apprentice as provided in Section 1013 of Title 59 of the
11 Oklahoma Statutes and received a certificate of registration from
12 the Construction Industries Board. A current and valid certificate
13 of registration, or proof of proper application acceptable to the
14 Board, shall be required at all times while acting as, or performing
15 the work of, a plumber's apprentice; and

16 2. Ninety (90) days from and after the effective date of this
17 act it shall be unlawful for any person, firm, partnership,
18 association or corporation to employ a person as a plumber's
19 apprentice, as defined in Section 1003 of Title 59 of the Oklahoma
20 Statutes, until such person shall have registered and received a
21 certification of registration as a plumber's apprentice as required
22 by Section 1013 of Title 59 of the Oklahoma Statutes. A copy of the
23 current and valid certificate of registration or proof of proper
24 application for each person acting as, or performing the work of, a

1 plumber's apprentice shall be on file for inspection at the
2 person's, firm's, partnership's, association's or corporation's
3 primary place of business. Failure to obtain a copy of each
4 person's certificate of registration or proof of application as a
5 plumber's apprentice shall constitute a violation of The Plumbing
6 License Law of 1955.

7 B. Within the ninety-day period provided in this act, a person
8 who is not registered or has not been continuously registered as a
9 plumber's apprentice, and who is currently and has been continuously
10 acting as, or continuously performing the work of, a plumber's
11 apprentice for a period of three (3) years or more under the
12 supervision of a licensed plumbing contractor in this state, or who
13 has a military exemption from apprentice registration as allowed by
14 the Construction Industries Board, may make application to take the
15 examination for journeyman plumber upon submission of an affidavit
16 from his or her current employer and other documents or proofs
17 required by the Oklahoma State Committee of Plumbing Examiners and
18 the Construction Industries Board. The examination shall be
19 conducted within the ninety-day period with only one retest allowed
20 after thirty (30) days from the date of a failed examination within
21 the same ninety-day period.

22 C. The provisions of this section provide a one-time grace
23 period for persons acting as or performing the work of an apprentice
24 who are not properly registered. Persons acting as or performing

1 the work of an apprentice who are not properly registered shall be
2 allowed to either register as required by Section 1013 of Title 59
3 of the Oklahoma Statutes without disciplinary action for failure to
4 be properly registered, or apply and take the journeyman plumber
5 examination within the ninety-day grace period. On the effective
6 date of this act, any person who is acting as, or performing the
7 work of, a plumber's apprentice and who fails to register as a
8 plumber's apprentice or fails to successfully pass the journeyman
9 examination within the ninety-day grace period shall be deemed in
10 violation of The Plumbing Licensing Law of 1955 for each day the
11 person was not or is not registered or licensed.

12 D. Nothing in this section shall be construed to alter, modify
13 or amend any law or rule regarding experience qualifications or
14 other requirements for examination except as specifically authorized
15 in the ninety-day grace period for persons not properly registered
16 as an apprentice. Such grace period shall not be extended, and
17 except for military exemptions authorized by the Construction
18 Industries Board by law or rule, no other exceptions shall be
19 authorized.

20 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1850.9, is
21 amended to read as follows:

22 Section 1850.9 A. The Construction Industries Board, upon
23 proper application and payment of an apprentice registration fee,
24 shall register as a mechanical apprentice and issue a certificate of

1 such registration to any person who furnishes satisfactory proof to
2 the Board that the applicant is:

3 1. Sixteen (16) years of age or older; and

4 2. Enrolled in a school or training course for mechanical
5 apprentices recognized by the Board or has arranged for employment
6 as a mechanical apprentice with a licensed mechanical contractor.

7 B. Apprentice registration certificates shall expire one (1)
8 year after date of registration, at which time the apprentice may
9 reregister and receive, upon payment of the apprentice registration
10 renewal fee, a renewal certificate.

11 C. No person shall act as, or perform the work of, a mechanical
12 apprentice without a current and valid certificate of registration,
13 or other proof of proper application acceptable to the Board.

14 D. All applications or renewals shall be made in writing to the
15 Board on forms provided, if necessary, by the Board. All
16 applications or renewals shall be accompanied by the appropriate
17 fee.

18 SECTION 4. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1850.9A of Title 59, unless
20 there is created a duplication in numbering, reads as follows:

21 A. Notwithstanding any other provision of law concerning the
22 mechanical profession:

23 1. Ninety (90) days from and after the effective date of this
24 act it shall be unlawful for any person to act as, or perform the

1 work of, a mechanical apprentice, as defined in Section 1850.2 of
2 Title 59 of the Oklahoma Statutes, until such person has registered
3 as a mechanical apprentice as provided in Section 1850.9 of Title 59
4 of the Oklahoma Statutes and received a certificate of registration
5 from the Construction Industries Board. A current and valid
6 certificate of registration, or proof of proper application
7 acceptable to the Board, shall be required at all times while acting
8 as, or performing the work of, a mechanical apprentice; and

9 2. Ninety (90) days from and after the effective date of this
10 act it shall be unlawful for any person, firm, partnership,
11 association or corporation to employ a person as a mechanical
12 apprentice, as defined in Section 1850.2 of Title 59 of the Oklahoma
13 Statutes, until such person shall have registered and received a
14 certification of registration as a mechanical apprentice as required
15 by Section 1850.9 of Title 59 of the Oklahoma Statutes. A copy of
16 the current and valid certificate of registration or other proof of
17 application for each person acting as or performing the work of a
18 mechanical apprentice shall be on file for inspection at the
19 person's, firm's, partnership's, association's or corporation's
20 primary place of business. Failure to obtain a copy of each
21 person's certificate of registration or proof of application as a
22 mechanical apprentice shall constitute a violation of the Mechanical
23 Licensing Act.
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1 B. Within the ninety-day period provided in this act, a person
2 who is not registered or has not been continuously registered as a
3 mechanical apprentice, and who is currently and has been
4 continuously acting as, or continuously performing the work of, a
5 mechanical apprentice for a period of three (3) years or more under
6 the supervision of a licensed mechanical contractor in this state,
7 or who has a military exemption from apprentice registration as
8 allowed by the Construction Industries Board, may make application
9 to take the examination for mechanical journeyman upon submission of
10 an affidavit from his or her current employer and other documents or
11 proofs required by the Committee of Mechanical Examiners and the
12 Construction Industries Board. The examination shall be conducted
13 within the ninety-day period with only one retest allowed after
14 thirty (30) days from the date of a failed examination within the
15 same ninety-day period. Any applicant failing to pass the
16 examination, including the one allowable retest, within the ninety-
17 day period shall not be permitted to take any subsequent examination
18 for a period of ninety (90) days and only after proper registration
19 as an apprentice as required by Section 1850.9 of Title 59 of the
20 Oklahoma Statutes.

21 C. The provisions of this section provide a one-time grace
22 period for persons acting as or performing the work of a mechanical
23 apprentice who are not properly registered. Persons acting as or
24 performing the work of a mechanical apprentice who are not properly

1 registered shall be allowed to either register as required by
2 Section 1850.9 of Title 59 of the Oklahoma Statutes without
3 disciplinary action for failure to be properly registered, or apply
4 and take the mechanical journeyman examination within the ninety-day
5 grace period. On the effective date of this act, any person who is
6 acting as, or performing the work of, a mechanical apprentice and
7 who fails to register as a mechanical apprentice or fails to
8 successfully pass the mechanical journeyman examination within the
9 ninety-day grace period shall be deemed in violation of the
10 Mechanical Licensing Act for each day the person was not, or is not,
11 registered or licensed.

12 D. Nothing in this section shall be construed to alter, modify
13 or amend any law or rule regarding experience qualifications or
14 other requirements for examination except as specifically authorized
15 in the ninety-day grace period for persons not properly registered
16 as a mechanical apprentice. Such grace period shall not be
17 extended, and except for military exemptions authorized by the
18 Construction Industries Board by law or rule, no other exceptions
19 shall be authorized.

20 SECTION 5. This act shall become effective November 1, 2015."
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