STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 591 By: Jolley of the Senate

and

Wallace of the House

COMMITTEE SUBSTITUTE

[professions and occupations - apprentices for plumbing, electrical and mechanical professions - effective date]

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

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

Section 1013. A. The Construction Industries Board shall, upon proper application and payment of fee, register as a plumber's apprentice, and shall issue a certificate of registration to, persons who furnish proof satisfactory to the Board that they are sixteen (16) years of age or older and are enrolled in a recognized school or training course for plumber apprentices, or have arranged for employment as a plumber's apprentice with a licensed plumbing

contractor. The certificate of an apprentice shall expire at the end of one (1) year from date of issuance, at which time ~~the Board may issue a renewal certificate upon payment of the renewal fee~~ the plumber's apprentice may reregister and receive, upon payment of the plumber's apprentice registration renewal fee, a renewal certificate. No person shall act as, or perform the work of, a plumber's apprentice without a current and valid certificate of registration or other proof of proper application acceptable to the Board.

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

C. Applicants and apprentices, when required by the Board, shall provide such documents, statements or other information as may be necessary to submit to a national criminal history record check as defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

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

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

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

or perform the work of, a plumber's apprentice, as defined in Section 1003 of Title 59 of the Oklahoma Statutes, until such person has registered as a plumber's apprentice as provided in Section 1013 of Title 59 of the Oklahoma Statutes and received a certificate of registration from the Construction Industries Board. A current and valid certificate of registration, or proof of proper application acceptable to the Board, shall be required at all times while acting as, or performing the work of, a plumber's apprentice; and

2. Ninety (90) days from and after the effective date of this act it shall be unlawful and a misdemeanor for any person, firm, partnership, association or corporation to employ a person as a plumber's apprentice, as defined in Section 1003 of Title 59 of the Oklahoma Statutes, until such person shall have registered and received a certification of registration as a plumber's apprentice as required by Section 1013 of Title 59 of the Oklahoma Statutes. A copy of the current and valid certificate of registration or proof of proper application for each person acting as, or performing the work of, a plumber's apprentice shall be on file for inspection at the person's, firm's, partnership's, association's or corporation's primary place of business. Failure to obtain a copy of each person's certificate of registration or proof of application as a plumber's apprentice shall constitute a violation of The Plumbing License Law of 1955.

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

C. The provisions of this section provide a one-time grace period for persons acting as or performing the work of an apprentice who are not properly registered. Persons acting as or performing the work of an apprentice who are not properly registered shall be allowed to either register as required by Section 1013 of Title 59 of the Oklahoma Statutes without disciplinary action for failure to be properly registered, or apply and take the journeyman plumber examination within the ninety-day grace period. On the effective date of this act, any person who is acting as, or performing the

work of, a plumber's apprentice and who fails to register as a plumber's apprentice or fails to successfully pass the journeyman examination within the ninety-day grace period shall be deemed in violation of The Plumbing Licensing Law of 1955 for each day the person was not or is not registered or licensed.

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

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

Section 1850.9 A. The Construction Industries Board, upon proper application and payment of an apprentice registration fee, shall register as a mechanical apprentice and issue a certificate of such registration to any person who furnishes satisfactory proof to the Board that the applicant is:

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

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

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

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

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

E. Applicants and apprentices, when required by the Board, shall provide such documents, statements or other information as may be necessary to submit to a national criminal history record check as defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

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

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

1. Ninety (90) days from and after the effective date of this act it shall be unlawful and a misdemeanor for any person to act as, or perform the work of, a mechanical apprentice, as defined in Section 1850.2 of Title 59 of the Oklahoma Statutes, until such

person has registered as a mechanical apprentice as provided in Section 1850.9 of Title 59 of the Oklahoma Statutes and received a certificate of registration from the Construction Industries Board. A current and valid certificate of registration, or proof of proper application acceptable to the Board, shall be required at all times while acting as, or performing the work of, a mechanical apprentice; and

2. Ninety (90) days from and after the effective date of this act it shall be unlawful and a misdemeanor for any person, firm, partnership, association or corporation to employ a person as a mechanical apprentice, as defined in Section 1850.2 of Title 59 of the Oklahoma Statutes, until such person shall have registered and received a certification of registration as a mechanical apprentice as required by Section 1850.9 of Title 59 of the Oklahoma Statutes. A copy of the current and valid certificate of registration or other proof of application for each person acting as or performing the work of a mechanical apprentice shall be on file for inspection at the person's, firm's, partnership's, association's or corporation's primary place of business. Failure to obtain a copy of each person's certificate of registration or proof of application as a mechanical apprentice shall constitute a violation of the Mechanical Licensing Act.

B. Within the ninety-day period provided in this act, a person who is not registered or has not been continuously registered as a

mechanical apprentice, and who is currently and has been continuously acting as, or continuously performing the work of, a mechanical apprentice for a period of three (3) years or more under the supervision of a licensed mechanical contractor in this state, or who has a military exemption from apprentice registration as allowed by the Construction Industries Board, may make application to take the examination for mechanical journeyman upon submission of an affidavit from his or her current employer and other documents or proofs required by the Committee of Mechanical Examiners and the Construction Industries Board. The examination shall be conducted within the ninety-day period with only one retest allowed after thirty (30) days from the date of a failed examination within the same ninety-day period. Any applicant failing to pass the examination, including the one allowable retest, within the ninety-day period shall not be permitted to take any subsequent examination for a period of ninety (90) days and only after proper registration as an apprentice as required by Section 1850.9 of Title 59 of the Oklahoma Statutes.

C. The provisions of this section provide a one-time grace period for persons acting as or performing the work of a mechanical apprentice who are not properly registered. Persons acting as or performing the work of a mechanical apprentice who are not properly registered shall be allowed to either register as required by Section 1850.9 of Title 59 of the Oklahoma Statutes without

disciplinary action for failure to be properly registered, or apply and take the mechanical journeyman examination within the ninety-day grace period. On the effective date of this act, any person who is acting as, or performing the work of, a mechanical apprentice and who fails to register as a mechanical apprentice or fails to successfully pass the mechanical journeyman examination within the ninety-day grace period shall be deemed in violation of the Mechanical Licensing Act for each day the person was not, or is not, registered or licensed.

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

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

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