

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1728

By: Osborn

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5
6 AS INTRODUCED

7 An Act relating to alternative fuels; amending 74
8 O.S. 2011, Sections 130.13, as renumbered by Section
9 17, Chapter 328, O.S.L. 2014, 130.15, as last amended
10 by Section 5, Chapter 328, O.S.L. 2014, and as
11 renumbered by Section 19, Chapter 328, O.S.L. 2014,
12 130.16, as last amended by Section 6, Chapter 328,
13 O.S.L. 2014, and as renumbered by Section 20, Chapter
14 328, O.S.L. 2014, 130.17, as last amended by Section
15 7, Chapter 328, O.S.L. 2014, and as renumbered by
16 Section 21, Chapter 328, O.S.L. 2014, 130.19, as last
17 amended by Section 9, Chapter 328, O.S.L. 2014, and
18 as renumbered by Section 23, Chapter 328, O.S.L.
19 2014, 130.23, as renumbered by Section 27, Chapter
20 328, O.S.L. 2014 and 130.24, as renumbered by Section
21 28, Chapter 328, O.S.L. 2014 (40 O.S. Supp. 2014,
22 Sections 142.5, 142.7, 142.8, 142.9, 142.11, 142.15
23 and 142.16), which relate to the Alternative Fuels
24 Technician Certification Act; deleting definition;
deleting number of required examinations; modifying
examination waiting period; deleting requirements for
liability insurance; modifying fees; deleting certain
certificates and fees; adding certain certificates
and fees; providing for written notice and
opportunity for administrative hearing prior to
suspensions or revocations; providing for written
record and mailing of certain actions; making certain
notices public records; allowing for the renewal of a
suspended certificate; providing for termination of a
revoked certificate; providing process and criteria
for application for new certificate that was
previously revoked; changing references to the
Alternative Fuels Technician Hearing Board;
establishing fines for certain violations; setting
time period for payment of fines; allowing an
administrative hearing to contest a fine; providing

1 for application to other law; and declaring an
2 emergency.

3
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. AMENDATORY 74 O.S. 2011, Section 130.13, as
6 renumbered by Section 17, Chapter 328, O.S.L. 2014 (40 O.S. Supp.
7 2014, Section 142.5), is amended to read as follows:

8 Section 142.5 As used in the Alternative Fuels Technician
9 Certification Act:

10 1. "Alternative fuels" means liquefied petroleum gas, natural
11 gas and liquid fuels produced from natural gas, methanol, ethanol,
12 electricity, coal-derived liquid fuels, hydrogen, biodiesel and
13 fuels derived from biological materials;

14 2. "Alternative fuels equipment technician" means any person
15 who installs, modifies, repairs or renovates equipment used in the
16 conversion of any engines to engines fueled by alternative fuels.
17 This includes originally equipped manufactured engines dedicated to
18 operate on an alternative fuel;

19 3. "Alternative fuels compression technician" means any person
20 who installs, services, modifies, repairs or renovates fill
21 stations;

22 4. ~~"Board" means the Alternative Fuels Technician Hearing~~
23 ~~Board;~~

1 ~~5.~~ "Committee" means the Committee of Alternative Fuels
2 Technician Examiners;

3 ~~6.~~ 5. "Electric vehicle technician" means any person who
4 installs, modifies, repairs, performs maintenance on, or renovates
5 onboard charging systems, motors, controllers, power sources, or the
6 drive systems of vehicles powered by electricity that is greater
7 than eighty (80) volts. This includes vehicles originally equipped
8 as electric vehicles, vehicles converted from gliders, and vehicles
9 converted from internal combustion engine vehicles;

10 ~~7.~~ 6. "Fill station" means the equipment and conveyance
11 property that provides the delivery and, if required, compression of
12 an alternative fuel other than electricity; and

13 ~~8.~~ 7. "Glider" means a vehicle built without an engine or fuel
14 system for the purpose of converting it to an electric vehicle.

15 SECTION 2. AMENDATORY 74 O.S. 2011, Section 130.15, as
16 last amended by Section 5, Chapter 328, O.S.L. 2014, and as
17 renumbered by Section 19, Chapter 328, O.S.L. 2014 (40 O.S. Supp.
18 2014, Section 142.7), is amended to read as follows:

19 Section 142.7 A. Examinations for certification as alternative
20 fuels equipment technicians shall be uniform and practical in nature
21 for alternative fuels equipment technician certification and shall
22 be sufficiently strict to test the qualifications and fitness of the
23 applicants for certificates.
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1 B. Examinations for certification as alternative fuels
2 compression technicians shall be uniform and practical in nature for
3 alternative fuels compression technician certification and shall be
4 sufficiently strict to test the qualifications and fitness of the
5 applicants for certificates.

6 C. Examinations for certification as electric vehicle
7 technicians shall be uniform and practical in nature for electric
8 vehicle technician certification and shall be sufficiently strict to
9 test the qualifications and fitness of the applicants for
10 certificates.

11 D. Examinations shall be in whole or in part in writing. ~~The~~
12 ~~Committee shall conduct examinations twice a year and at such other~~
13 ~~times as it deems necessary.~~ Any applicant initially failing to
14 pass the examination shall not be permitted to take another
15 examination for a period of thirty (30) days. Any applicant
16 subsequently failing to pass the examination shall not be permitted
17 to take another examination for a period of ~~ninety (90)~~ thirty (30)
18 days.

19 E. The Department of Labor shall enforce the provisions of this
20 section.

21 SECTION 3. AMENDATORY 74 O.S. 2011, Section 130.16, as
22 last amended by Section 6, Chapter 328, O.S.L. 2014, and as
23 renumbered by Section 20, Chapter 328, O.S.L. 2014 (40 O.S. Supp.
24 2014, Section 142.8), is amended to read as follows:

1 Section 142.8 A. The Department of Labor shall issue a
2 certificate as an alternative fuels equipment technician to any
3 person who:

4 1. Has been licensed by the Oklahoma Liquefied Petroleum Gas
5 Board and has successfully passed the appropriate examination as
6 provided in the Alternative Fuels Technician Certification Act; or

7 ~~2.~~ Has has been certified by the Committee as either having
8 successfully passed the appropriate examination or having a valid
9 license or certificate issued by another governmental entity with
10 licensing or certification requirements similar to those provided in
11 the Alternative Fuels Technician Certification Act; and

12 ~~3.~~ 2. Has paid the certification fee and otherwise complied
13 with the provisions of the Alternative Fuels Technician
14 Certification Act; ~~and~~

15 ~~4. Has provided proof of liability insurance with limits of not~~
16 ~~less than Fifty Thousand Dollars (\$50,000.00) general liability.~~

17 B. The Department of Labor shall issue a certificate as an
18 alternative fuels compression technician to any person who:

19 1. Has successfully passed the appropriate examination as
20 provided in the Alternative Fuels Technician Certification Act or
21 has been certified by the Committee as having a valid license or
22 certificate issued by another governmental entity with licensing or
23 certification requirements similar to those provided in the
24 Alternative Fuels Technician Certification Act; and

1 2. Has paid the certification fee and otherwise complied with
2 the provisions of the Alternative Fuels Technician Certification
3 Act; ~~and~~

4 ~~3. Has provided proof of liability insurance with limits of not~~
5 ~~less than Fifty Thousand Dollars (\$50,000.00) general liability.~~

6 C. The Department of Labor shall issue a certificate as an
7 electric vehicle technician to any person who:

8 1. Has been certified by the Committee as either having
9 successfully passed the appropriate examination or having a valid
10 license or certificate issued by another governmental entity with
11 licensing or certification requirements similar to those provided in
12 the Alternative Fuels Technician Certification Act; and

13 2. Has paid the certification fee and otherwise complied with
14 the provisions of the Alternative Fuels Technician Certification
15 Act; ~~and~~

16 ~~3. Has provided proof of liability insurance with limits of not~~
17 ~~less than Fifty Thousand Dollars (\$50,000.00) general liability.~~

18 D. In the case of a company, partnership or corporation engaged
19 in the business of installing, servicing, repairing, modifying or
20 renovating equipment used in the conversion of engines to engines
21 fueled by alternative fuels, a separate certificate shall be issued
22 by the Department of Labor to that individual company, partnership
23 or corporation. This certificate is for the express purpose of
24 recognizing that the company, partnership or corporation is an

1 authorized alternative fuels conversion business and employs state-
2 certified alternative fuels equipment technicians. Any violations
3 by a certified alternative fuels equipment technician shall be
4 deemed a violation by the certified company, partnership or
5 corporation employing such certified technician.

6 E. In the case of a company, partnership or corporation engaged
7 in the business of installing, servicing, repairing, modifying or
8 renovating fill stations, a separate certificate shall be issued by
9 the Department of Labor to that individual company, partnership or
10 corporation. This certificate is for the express purpose of
11 recognizing that the company, partnership or corporation is an
12 authorized fill station installation business and employs state-
13 certified alternative fuels compression technicians or electric
14 vehicle technicians. Any violations by a certified alternative
15 fuels compression technician or electric vehicle technician shall be
16 deemed a violation by the certified company, partnership or
17 corporation employing such certified technician.

18 F. In conjunction with subsection A of this section, the
19 Department of Labor shall issue an Alternative Fuels Equipment
20 Installation Certification to any public entity or private company,
21 partnership or corporation that operates commercial, private or
22 public fleets of vehicles and employs ten or more auto service
23 technicians per location. The certification shall be based on the
24 ability of the applicant to provide their own alternative fuels

1 equipment technician training program which shall be certified by
2 the Department of Labor, Committee of Alternative Fuels Technician
3 Examiners. This subsection shall not apply to allow certification
4 of any alternative fuels compression technician training programs.

5 G. All alternative fuels equipment technician certificates,
6 alternative fuels compression technician certificates, and electric
7 vehicle technician certificates shall be nontransferable and it
8 shall be unlawful for any person certified pursuant to the
9 provisions of the Alternative Fuels Technician Certification Act to
10 loan or allow the use of such certificate by any other person,
11 except as specifically provided in the Alternative Fuels Technician
12 Certification Act.

13 H. The standards for the storage and handling of liquefied
14 petroleum gases adopted by the National Fire Protection Association
15 and published in the latest edition of its Pamphlet No. 58 and the
16 standards for the installation of compressed natural gas vehicular
17 fuel systems adopted by the National Fire Protection Association and
18 published in its Pamphlet No. 52 shall be the accepted standards for
19 this state. The accepted standards for this state for electric
20 vehicle charge stations shall be the National Electric Code (NEC).
21 The Commissioner of Labor is authorized, and it shall be his or her
22 duty to adopt and promulgate such rules or specifications relating
23 to safety in the manufacture, assembly, sale, installation and use
24 of vehicular alternative fuel systems. The Commissioner of Labor is

1 further authorized to modify or amend such rules or specifications
2 as he or she deems reasonable and necessary.

3 SECTION 4. AMENDATORY 74 O.S. 2011, Section 130.17, as
4 last amended by Section 7, Chapter 328, O.S.L. 2014, and as
5 renumbered by Section 21, Chapter 328, O.S.L. 2014 (40 O.S. Supp.
6 2014, Section 142.9), is amended to read as follows:

7 Section 142.9 A. 1. All applications for examination,
8 certification or renewal of certification shall be made in writing
9 to the Department of Labor on forms provided, if necessary, by the
10 Department of Labor. All applications shall be accompanied by the
11 appropriate fee.

12 2. If a person holds a valid Class I Dealer Permit properly
13 issued by the Oklahoma Liquefied Petroleum Gas Board, pursuant to
14 Section 420.4 of Title 52 of the Oklahoma Statutes, the requirements
15 of this section for certification or renewal of certification shall
16 not be required.

17 B. The following shall be the fees charged under the
18 Alternative Fuels Technician Certification Act.

19	Alternative Fuels Equipment Technician Examination, <u>per</u>	
20	<u>fuel type</u>	\$50.00
21	Alternative Fuels Compression Technician Examination, <u></u>	
22	<u>per fuel type</u>	\$50.00
23	Electric Vehicle Technician Examination	\$50.00
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1	Alternative Fuels Equipment Technician Certificate, <u>per</u>	
2	<u>fuel type</u>	\$50.00
3	Alternative Fuels Compression Technician Certificate, <u></u>	
4	<u>per fuel type</u>	\$50.00
5	Electric Vehicle Technician Certificate	\$50.00
6	Certificate renewal, if made within thirty (30) days after	
7	expiration:	
8	Alternative Fuels Equipment Technician Certificate, <u>per</u>	
9	<u>fuel type</u>	\$50.00
10	Alternative Fuels Compression Technician Certificate, <u></u>	
11	<u>per fuel type</u>	\$50.00
12	Electric Vehicle Technician Certificate	\$50.00
13	Penalty for Late Certification Renewal:	
14	Alternative Fuels Equipment Technician Certificate, <u>per</u>	
15	<u>fuel type</u>	\$10.00
16	Alternative Fuels Compression Technician Certificate, <u></u>	
17	<u>per fuel type</u>	\$10.00
18	Electric Vehicle Technician Certificate	\$10.00
19	Certificate fee if certified after March 1 of each year:	
20	Alternative Fuels Equipment Technician Certificate	\$25.00
21	Alternative Fuels Compression Technician Certificate	\$25.00
22	Electric Vehicle Technician Certificate	\$25.00
23	Certificate fee if certified after June 1 of each year:	
24	Alternative Fuels Equipment Technician Certificate	\$12.50

1 ~~Alternative Fuels Compression Technician Certificate~~ \$12.50

2 ~~Electric Vehicle Technician Certificate~~ \$12.50

3 Company, Partnership or Corporation:

4 Alternative Fuels Equipment Company, Partnership or
5 Corporation Certificate \$100.00

6 Alternative Fuels Compression Company, Partnership or
7 Corporation Certificate \$100.00

8 Annual Renewal for Company, Partnership or Corporation
9 Certificate \$100.00

10 Training Program Certification (one-time fee) \$500.00

11 Alternative Fuels Installation Certification Per
12 Location \$1,000.00

13 Annual Renewal of Alternative Fuels Installation
14 Certification Per Location \$1,000.00

15 SECTION 5. AMENDATORY 74 O.S. 2011, Section 130.19, as
16 last amended by Section 9, Chapter 328, O.S.L. 2014, and as
17 renumbered by Section 23, Chapter 328, O.S.L. 2014 (40 O.S. Supp.
18 2014, Section 142.11), is amended to read as follows:

19 Section 142.11 A. The Commissioner of Labor or designee may
20 suspend or revoke any license, certificate or registration for cause
21 upon recommendation of the Committee of Alternative Fuels Technician
22 Examiners and shall comply with the provisions of the Administrative
23 Procedures Act.

1 B. The Commissioner of Labor or designee may, upon the motion
2 of the Commissioner or designee, and shall, upon written complaint
3 filed by any person, investigate the business transactions of any
4 certified alternative fuels equipment or compression technician, or
5 electric vehicle technician. The results of the investigation may
6 be presented to the Committee and the Committee may recommend
7 suspension or revocation of the license, certificate or
8 registration. The Commissioner of Labor or designee shall suspend
9 or revoke any certificate or registration obtained by false or
10 fraudulent representation. The Commissioner of Labor or designee
11 shall also suspend or revoke any certificate or registration for any
12 of the following:

13 1. Making a material misstatement in the application for a
14 certificate or registration, or the renewal of a certificate or
15 registration;

16 2. Loaning or illegally using a certificate;

17 3. Demonstrating incompetence to act as an alternative fuels
18 equipment technician, alternative fuels compression technician, or
19 electric vehicle technician;

20 4. Violating any provisions of the Alternative Fuels Technician
21 Certification Act, or any rule or order prescribed by the Department
22 of Labor; or

23 5. Willfully failing to perform normal business obligations
24 without justifiable cause.

1 Any person whose alternative fuels equipment technician
2 certificate, alternative fuels compression technician certificate,
3 or electric vehicle technician certificate has been revoked by the
4 Commissioner of Labor or designee may apply for a new certificate
5 one (1) year from the date of such revocation.

6 C. The Committee shall, before final action under subsections A
7 and B of this section, provide thirty (30) days written notice to
8 the applicant or licensee involved of the action intended and give
9 sufficient opportunity for the person to request an administrative
10 hearing and to be represented by an attorney. A hearing shall be
11 scheduled by the Commissioner if so requested as provided in the
12 Administrative Procedures Act.

13 D. In the event the Commissioner denies the application for, or
14 revokes or suspends, any certificate or imposes any reprimand, a
15 record of the action shall be in writing and officially signed by
16 the Commissioner. The original copy shall be filed with the
17 Department of Labor and a copy mailed to the affected applicant or
18 licensee within two (2) days of the final action taken by the
19 Commissioner.

20 E. Notice of the suspension or revocation of any license shall
21 be made public record.

22 F. A suspended certificate shall be subject to expiration and
23 may be renewed as provided by the Alternative Fuels Technician
24

1 Certification Act, regardless of the term of suspension. A renewal
2 of a suspended certificate shall not remove the suspension term.

3 G. Except as otherwise provided, a revoked certificate
4 terminates on the date of revocation and cannot be reinstated. The
5 Commissioner may reverse the revocation action. Any licensee whose
6 certificate is revoked may apply for a new certificate. The
7 licensee shall meet all requirements for a certificate as stated in
8 the Alternative Fuels Technician Certification Act. The Committee
9 may recommend issuance or denial of a new certificate. In
10 determining whether to issue or deny a new certificate, the
11 Committee shall consider, but not be limited to, the nature,
12 circumstances, and gravity of the violation or violations leading to
13 revocation, the degree of culpability, and any show of good faith in
14 attempting to achieve compliance with the provisions of the
15 Alternative Fuels Technician Certification Act, and whether the
16 applicant has demonstrated good moral character.

17 SECTION 6. AMENDATORY 74 O.S. 2011, Section 130.23, as
18 renumbered by Section 27, Chapter 328, O.S.L. 2014 (40 O.S. Supp.
19 2014, Section 142.15), is amended to read as follows:

20 Section 142.15 Any person convicted of violating any provision
21 of the Alternative Fuels Technician Certification Act shall be
22 guilty of a misdemeanor. The continued violation of any provision
23 of the Alternative Fuels Technician Certification Act during each
24 day shall be deemed to be a separate offense. Upon conviction

1 thereof the person shall be punished by imprisonment in the county
2 jail not to exceed one (1) year, or by a fine of not more than One
3 Thousand Dollars (\$1,000.00), or by both such fine and imprisonment
4 for each offense. The ~~Alternative Fuels Technician Hearing Board~~
5 Commissioner of Labor or designee may request the appropriate
6 district attorney to prosecute such violation and seek an injunction
7 against such practice.

8 SECTION 7. AMENDATORY 74 O.S. 2011, Section 130.24, as
9 renumbered by Section 28, Chapter 328, O.S.L. 2014 (40 O.S. Supp.
10 2014, Section 142.16), is amended to read as follows:

11 Section 142.16 A. Any person who has been determined by the
12 ~~Alternative Fuels Technician Hearing Board~~ Commissioner of Labor or
13 designee to have violated any provision of the Alternative Fuels
14 Technician Certification Act or any rule or order issued pursuant to
15 the provisions of the Alternative Fuels Technician Certification Act
16 may be liable for a civil penalty of not more than One Hundred
17 Dollars (\$100.00) for each day that said violation occurs. The
18 maximum civil penalty shall not exceed Ten Thousand Dollars
19 (\$10,000.00) for any related series of violations.

20 B. The amount of the penalty shall be assessed by the ~~Board~~
21 Commissioner of Labor or designee pursuant to the provisions of
22 subsection A of this section, after notice and hearing. In
23 determining the amount of the penalty, the ~~Board~~ Commissioner of
24 Labor or designee shall include, but not be limited to,

1 consideration of the nature, circumstances, and gravity of the
2 violation and, with respect to the person found to have committed
3 the violation, the degree of culpability, and any show of good faith
4 in attempting to achieve compliance with the provisions of the
5 Alternative Fuels Technician Certification Act. All monies
6 collected from such civil penalties shall be deposited with the
7 State Treasurer of Oklahoma and placed in the Alternative Fuels
8 Technician Certification Revolving Fund.

9 C. Any certificate holder may elect to surrender his
10 certificate in lieu of said fine but shall be forever barred from
11 obtaining a reissuance of said certificate.

12 D. In addition to, or in lieu of, the civil penalties set forth
13 in subsections A and B of this section, the Commissioner of Labor or
14 designee, at the discretion of the Commissioner or designee, may
15 assess the following fines for violations of the act:

16 1. Failure to meet National Fire Protection Association
17 (NFPA) 52 or NFPA 58 minimum standards in the
18 installation, modification, repair, maintenance, or
19 renovation of alternative fuel equipment, per

20 occurrence:

\$200.00

21 2. Performing the work or offering, by advertisement or
22 otherwise, to perform the work of an alternative
23 fuels equipment technician without valid

24 certification, per occurrence:

\$200.00

1 SECTION 8. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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