

1 STATE OF OKLAHOMA

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

3 SENATE BILL 819

By: Newberry

4  
5  
6 AS INTRODUCED

7 An Act relating to Construction Industries Board;  
8 amending 59 O.S. 1681, which relates to rules of the  
9 Board; authorizing the Board to exercise certain  
10 powers; providing for a poultry house contractor  
11 license; granting powers to implement and enforce  
12 poultry house contractor licenses; prohibiting  
13 certain code inspections and installation standards  
14 on certain poultry house premises; establishing  
15 authority of certain license; prohibiting poultry  
16 house contractor license experience to apply to other  
17 electrical license requirements; authorizing certain  
18 expedited processing; making licenses  
19 nontransferable; setting penalty for certain  
20 violations; requiring nonrefundable fee; setting fee  
21 amount; setting term of license; providing for  
22 renewal; setting renewal fee; setting qualifications  
23 for license; establishing information to be provided  
24 for licensure; stating disqualifications for  
licensure; authorizing suspensions; stating reasons  
for suspension; amending 59 O.S. 1689, which relates  
to Electrical Hearing Board; including authority over  
poultry house contractor license; adding certain  
reason for revocation of license; providing for  
codification; and providing an effective date.

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

22 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1681, is  
23 amended to read as follows:  
24

1 Section 1681. A. The Construction Industries Board is hereby  
2 authorized to administer the Electrical License Act and exercise all  
3 incidental powers necessary and proper to implement and enforce the  
4 provisions of the Electrical License Act and the rules promulgated  
5 pursuant thereto.

6 B. The Construction Industries Board is hereby authorized to  
7 adopt, amend and repeal rules governing the examination and  
8 licensing of electrical contractors and journeymen electricians, the  
9 defining of categories and limitations for such licenses, the  
10 establishment of continuing education requirements and procedures as  
11 determined by the Committee of Electrical Examiners, the  
12 establishment and levying of administrative fines, the initiation of  
13 disciplinary proceedings, the requesting of prosecution of and  
14 initiation of injunctive proceedings against any person who violates  
15 any of the provisions of the Electrical License Act or any rule  
16 promulgated pursuant to the Electrical License Act, the  
17 establishment of bonding and insurance requirements precluding  
18 municipal requirements, the requirement of proof of possession of a  
19 Federal Tax ID Number and a State of Oklahoma Employment Security  
20 Board identification number, the registration of electrical  
21 apprentices, the establishment of a poultry house contractor  
22 license, and the standard of electrical installations. ~~Provided,~~  
23 ~~broiler houses will not be required to meet the electrical wiring~~  
24

1 ~~requirements for environmentally controlled poultry houses as set~~  
2 ~~out in the National Electric Code.~~

3 SECTION 2. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 59 of Title 1686.1, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. The Construction Industries Board is hereby authorized to  
7 establish a license category for contractors who perform solely  
8 poultry house premise wiring for environmentally controlled poultry  
9 house systems, and the insured poultry house wiring to connect the  
10 premise wiring, and who do not perform any wiring for a structure or  
11 electrical facility that is not directly involved in the operation  
12 of the environmentally controlled poultry house wiring system. In  
13 addition to other statutory authority, the Construction Industries  
14 Board shall have the power to exercise all incidental powers and  
15 duties necessary to effectuate the provisions of the poultry house  
16 contractor license, conduct investigations involving compliance with  
17 the licensing requirements, and enforce the licensing provisions of  
18 this section. However, the Construction Industries Board is not  
19 authorized to conduct an electrical code inspection of an  
20 environmentally controlled poultry house premise wiring system for  
21 purposes of compliance with electrical code installation standards  
22 established for the Electrical License Act or to issue  
23 administrative citations or fines concerning electrical code  
24

1 installation standards at an environmentally controlled poultry  
2 house.

3 1. With a valid poultry house contractor license, no further  
4 registration or license is required under this act in order to  
5 solely perform poultry house wiring for environmentally controlled  
6 poultry houses. This license allows contracting only for wiring of  
7 environmentally controlled poultry house systems and is not intended  
8 to disallow or exclude unlimited electrical contractors from  
9 performing poultry house wiring work under an unlimited electrical  
10 contractor license without a poultry house contractor license.

11 2. Experience under the poultry house contractor license shall  
12 not be considered qualifying electrical experience for purposes of  
13 experience requirements for application of any other electrical  
14 license category pursuant to the Electrical License Act.

15 3. The Board may rely upon proof of a valid construction  
16 license or registration issued by another state to expedite the  
17 processing of the required information for a poultry house  
18 contractor license; provided, the insurance and workers'  
19 compensation requirements demonstrate compliance with the required  
20 coverage for work performed in this state.

21 4. All licenses shall be nontransferable, and it shall be a  
22 misdemeanor for any business entity holding a poultry house  
23 contractor license under the provisions of the Electrical License  
24 Act to loan or allow the use of such license by any other person,

1 firm or corporation, except as specifically provided in the  
2 Electrical License Act or to engage in poultry house contractor  
3 license work without a valid license pursuant to this act.

4 B. A nonrefundable fee in the amount of Three Hundred Dollars  
5 (\$300.00) for the annual poultry house contractor license shall be  
6 paid at the time of license application to the Construction  
7 Industries Board. The annual license shall expire one year from the  
8 date of issuance. A poultry house contractor license shall be  
9 issued for one year, at which time it may be renewed upon meeting  
10 the requirements of this section, making application, and paying the  
11 nonrefundable license renewal fee in the amount of Two Hundred  
12 Dollars (\$200.00).

13 C. The Construction Industries Board shall, upon proper  
14 application and payment of fee, license and issue a certificate of  
15 poultry house contractor license to any person who furnishes  
16 satisfactory proof to the Board that the applicant is:

17 1. Eighteen (18) years of age or over;

18 2. The party performing, overseeing or otherwise responsible  
19 for the poultry house contractor work performed and who meets all  
20 requirements of this act and resulting rules required to obtain such  
21 license; and

22 3. Has provided all necessary information and documentation  
23 required under this act, the resulting rules, and as requested by  
24 the Board.

1 D. The Construction Industries Board shall require the  
2 following for a poultry house contractor license:

3 1. The applicant's full legal name, physical address, mailing  
4 address, business name, telephone number of business and applicant,  
5 address and place of incorporation, if any, and address of legal  
6 registered service agent in this state;

7 2. Proof of lawful presence in the United States for the  
8 applicant and all employees and laborers working under the applicant  
9 in this state who will be involved in wiring a poultry house for  
10 environmentally controlled poultry houses;

11 3. A listing of the names and social security numbers of all  
12 employees and laborers working in this state who will be involved in  
13 wiring a poultry house for environmentally controlled poultry  
14 houses. The social security number information shall remain with  
15 the Board as confidential and privileged except for necessary  
16 disclosures to state agencies to verify compliance with requirements  
17 of this act or upon request by law enforcement;

18 4. The business entity's Federal tax ID number or the  
19 employer's or owner's social security number. The employer's  
20 account number assigned by the Employment Security Commission. The  
21 social security number information shall remain with the Board as  
22 confidential and privileged except for necessary disclosures to  
23 state agencies to verify compliance with requirements of this act or  
24 upon request by law enforcement;

1           5. A letter of good standing from the Secretary of State in the  
2 state the contractor is domiciled and other documentation of valid  
3 license or registration from the domicile state licensing or  
4 registration board, commission or agency;

5           6. Disclosure of resident or nonresident contractor status, and  
6 state of residence and domicile;

7           7. A copy of the applicant's certificate of liability insurance  
8 shall be filed with the application and shall be not less than Five  
9 Hundred Thousand Dollars (\$500,000.00). Any insurance company  
10 issuing a liability policy to an applicant pursuant to the  
11 provisions of the poultry house contractor license under this act  
12 shall be required to notify the Construction Industries Board in the  
13 event such liability policy is cancelled for any reason or lapses  
14 for nonpayment of premiums. All licenses granted under this act  
15 shall be suspended on the date of the policy cancellation. The  
16 Board must receive proof of insurance prior to reinstating the  
17 license;

18           8. The applicant shall submit proof of satisfactory workers'  
19 compensation coverage under the Workers' Compensation Act or an  
20 affidavit of exemption or self-insurance as authorized pursuant to  
21 the Workers' Compensation Act;

22           9. Disclosure of any felony convictions; and  
23  
24

1           10. Applicants for poultry house contractor license shall  
2 provide such additional documents, statements or other information  
3 as may be deemed appropriate or necessary and required by the Board.

4           E. The Construction Industries Board shall refuse to license  
5 any person if the Board determines:

6           1. The application contains false, misleading or incomplete  
7 information;

8           2. The applicant or any member of the business entity fails or  
9 refuses to provide any information requested by the Board;

10           3. The applicant fails or refuses to pay the required fees;

11           4. The applicant or owner or officer or managing member of the  
12 legal entity is ineligible for license due to a suspended or revoked  
13 license or registration in this state;

14           5. The nonresident applicant has a revoked or suspended  
15 registration or license required by law for contractors in another  
16 state; or

17           6. The applicant or legal entity has failed or refuses to  
18 submit any taxes due in this state.

19           F. The board shall suspend the poultry house contractor license  
20 when the licensee fails to:

21           1. Maintain liability insurance coverage;

22           2. Maintain satisfactory workers' compensation coverage under  
23 the Workers' Compensation Act or provide an affidavit of exemption  
24

1 or self-insurance as authorized pursuant to the Workers'  
2 Compensation Act;

3 3. Comply with provisions of the Electrical License Act or any  
4 rule or order issued pursuant thereto;

5 4. Perform normal business obligations without justifiable  
6 cause;

7 5. Notify the Board of a change in name, address, legal  
8 business entity, legal service agent, adverse finding by a licensing  
9 entity in this state or another state or adjudication by a court of  
10 competent jurisdiction for any act or omission that is a violation  
11 of the Electrical License Act;

12 6. Maintain a registration or license as required by law in  
13 another state while licensed in this state as a nonresident  
14 contractor; or

15 7. File and pay all taxes of the contractor or legal entity  
16 when due in this state.

17 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1689, is  
18 amended to read as follows:

19 Section 1689. A. The Construction Industries Board or its  
20 designee and the Committee of Electrical Examiners shall act as the  
21 Electrical Hearing Board and shall comply with the provisions of  
22 Article II of the Administrative Procedures Act, Section 308a et  
23 seq. of Title 75 of the Oklahoma Statutes.  
24

1 B. Any administrative hearing on suspensions, revocations or  
2 fines shall be conducted by a hearing examiner appointed by the  
3 Board. The hearing examiner's decision shall be a final decision  
4 which may be appealed to a district court in accordance with the  
5 Administrative Procedures Act.

6 C. The Electrical Hearing Board may, upon its own motion, and  
7 shall, upon written complaint filed by any person, investigate the  
8 business transactions of any electrical contractor, journeyman  
9 electrician ~~or~~, electrical apprentice or poultry house contractor  
10 license. Upon a finding by clear and convincing evidence, the Board  
11 shall suspend or revoke any license or registration obtained by  
12 false or fraudulent representation. Upon a finding by clear and  
13 convincing evidence, the Board shall also suspend or revoke any  
14 license or registration for any of the following:

15 1. Making a material misstatement in the application for a  
16 license or registration, or the renewal of a license or  
17 registration;

18 2. Loaning or illegally using a license;

19 3. Demonstrating incompetence to act as a journeyman  
20 electrician or electrical contractor;

21 4. Violating any provisions of the Electrical License Act, or  
22 any rule or order prescribed by the Board or any ordinance for the  
23 installation of electrical facilities made or enacted by a city or  
24 town by authority of the Electrical License Act; ~~or~~

1 5. Willfully failing to perform normal business obligations  
2 without justifiable cause; or

3 6. Failing to maintain a registration or license as required by  
4 law in another state while registered in this state as a nonresident  
5 contractor.

6 D. Any person whose license or registration has been revoked by  
7 the Electrical Hearing Board may apply for a new license one (1)  
8 year from the date of such revocation.

9 E. Notwithstanding any other provision of law, a political  
10 subdivision of this state that has adopted a nationally recognized  
11 electrical code and appointed an inspector pursuant to the  
12 provisions of Section 1693 of this title or pursuant to the  
13 provisions of the Oklahoma Inspectors Act for such work shall have  
14 jurisdiction over the interpretation of the code and the  
15 installation of all electrical work done in that political  
16 subdivision, subject to the provisions of the Oklahoma Inspectors  
17 Act. Provided, a state inspector may work directly with an  
18 electrical contractor, journeyman electrician or electrical  
19 apprentice in such a locality if a violation of the code creates an  
20 immediate threat to life or health.

21 F. In the case of a complaint about, investigation of, or  
22 inspection of any license, registration, permit or electrical work  
23 in any political subdivision of this state which has not adopted a  
24 nationally recognized electrical code and appointed an inspector

1 pursuant to the provisions of Section 1693 of this title or pursuant  
2 to the provisions of the Oklahoma Inspectors Act for such work, the  
3 Construction Industries Board shall have jurisdiction over such  
4 matters.

5 G. 1. No individual, business, company, corporation,  
6 association or other entity subject to the provisions of the  
7 Electrical License Act shall install, modify or alter electrical  
8 facilities in any incorporated area of this state which has not  
9 adopted a nationally recognized electrical code and appointed an  
10 inspector pursuant to the provisions of Section 1693 of this title  
11 or pursuant to the provisions of the Oklahoma Inspectors Act for  
12 such work without providing notice of such electrical work to the  
13 Construction Industries Board. A notice form for reproduction by an  
14 individual or entity required to make such notice shall be provided  
15 by the Construction Industries Board upon request.

16 2. Notice to the Construction Industries Board pursuant to this  
17 subsection shall not be required for electrical maintenance or  
18 replacement of existing electrical appliances or fixtures or of any  
19 petroleum refinery or its research facilities.

20 3. Enforcement of this subsection is authorized pursuant to the  
21 Electrical License Act, or under authority granted to the  
22 Construction Industries Board.  
23  
24

1 SECTION 4. This act shall become effective November 1, 2015.

2  
3 55-1-1420 NP 2/18/2016 7:12:58 PM  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24