

OKLAHOMA STATE SENATE
CONFERENCE
COMMITTEE REPORT

May 14, 2015

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SB 379

By: Newberry et al of the Senate and Brumbaugh of the House

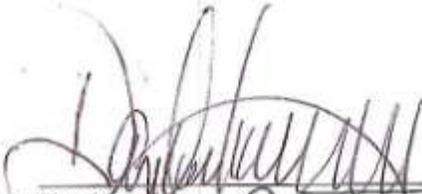
Title: Real Estate; creating the Real Estate Owner's Rights Act; stating certain rights; exception for licenses. Effective date.

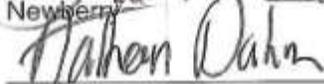
together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the House recede from all Amendments.
2. That the attached Conference Committee Substitute be adopted.

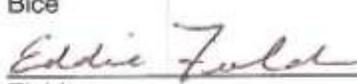
Respectfully submitted,

SENATE CONFEREES:



Newberry


Dahm


Bice


Fields

Crain

Bass

Wyrick

HOUSE CONFEREES:

Conference Committee on Business, Labor and Retirement Laws

Senate Action _____ Date _____ House Action _____ Date _____

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1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 379

By: Newberry, Shortey and Allen
of the Senate

6 and

7 Brumbaugh of the House

8
9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to real estate; creating the Real
11 Estate Owner's Rights Act; providing short title;
12 establishing certain rights of property owners;
13 granting right for construction and repairs;
14 requiring certain permits and inspections; construing
15 requirement to hire licensed persons under certain
16 condition; authorizing certain assistance to property
17 owner without licensure; granting right for
18 management, rental and leasing; prohibiting
19 disclosure of certain agreements; allowing certain
20 services by certain persons relating to property
21 management; amending 59 O.S. 2011, Sections 1017 and
22 1692, which relate to plumbing and electrical
23 licensures; providing exception to licensures for
24 certain property owners; providing an exception to
mechanical licensure for certain property owners;
providing for codification; and providing an
effective date.

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

22 SECTION 1. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 858-1000 of Title 59, unless
24 there is created a duplication in numbering, reads as follows:

1 This act shall be known and may be cited as the "Real Estate
2 Owner's Rights Act".

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 858-1001 of Title 59, unless
5 there is created a duplication in numbering, reads as follows:

6 An owner of real property in this state has the following
7 rights:

8 A. The right to construct, install, and repair.

9 1. Notwithstanding any provision of law or municipal ordinance
10 to the contrary, an owner of residential real property or farm
11 property who resides in this state and whose real property is
12 located in this state shall be authorized to, and have the absolute
13 right to, personally perform any construction, installation, work or
14 repairs to his or her property including, but not limited to,
15 fencing, landscaping, telephone, plumbing, electrical, roofing,
16 mechanical, carpentry, concrete, masonry or painting, without first
17 obtaining licensure as may be required for such construction,
18 installation, work or repair; provided, however, the owner shall be
19 required to:

20 a. obtain all applicable state and local permits and
21 inspections to satisfy the state and local building
22 code requirements, if any,

23 b. obtain the services of a qualified professional or
24 obtain applicable authority when working directly

1 with, connecting to or disconnecting from any public
2 utility system or public service corporation system,
3 and

4 c. disclose the nature and extent of the construction,
5 installation, work or repairs performed by the owner
6 for purposes of the sale of such property, if
7 licensure would have been required for such work.

8 2. Nothing in this subsection shall be construed to allow the
9 owner of any residential or farm property to avoid the hire of a
10 qualified licensed professional to perform any construction,
11 installation, work or repairs to his or her property where a valid
12 license is required by law or municipal ordinance should the work be
13 performed by a person other than the actual owner of the property or
14 by the owner's family members, relatives or employees without such
15 persons being licensed.

16 3. For purposes of this subsection, an owner is authorized to,
17 and shall have the absolute right to, be assisted by his or her
18 family members, relatives or other persons when performing
19 construction, installation, work or repairs to his or her
20 residential or farm property.

21 B. The right to manage, rent, lease, and sell.

22 1. An owner of residential real property or farm property whose
23 property is located in this state shall be authorized to, and have
24

1 the absolute right to, manage, rent, lease or sell his or her
2 property.

3 2. Notwithstanding any provision of law or municipal ordinance
4 to the contrary, an owner of residential real property or farm
5 property, shall not be required to disclose any rental, lease or
6 property management agreement to a municipality as a condition of
7 property management, rental or leasing by the property owner or his
8 or her designated agent.

9 3. Nothing in this subsection shall be construed to prohibit an
10 owner of residential real property or farm property from utilizing
11 the services of a licensed real estate broker, sales associate or
12 property management company for any purpose or service relating to
13 his or her property.

14 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1017, is
15 amended to read as follows:

16 Section 1017. The provisions of The Plumbing License Law of
17 1955 shall not apply to:

18 1. Minor repairs, consisting of repairing or replacing faucets
19 or minor working parts of plumbing fixtures;

20 2. Farm buildings located outside any city or town unless such
21 buildings are connected to a public water or sewer system;

22 3. Maintenance work for state institutions and school
23 districts;

1 4. The installation, maintenance, repair, renovation of
2 automatic sprinkler systems and related mechanical appurtenances
3 beginning at a point where the pipe or piping system provides water
4 used exclusively for these automatic sprinklers and their related
5 appurtenances and to standpipes connected to automatic sprinkler
6 systems;

7 5. The construction, installation, maintenance, repair,
8 renovation, and/or removal of pipe or piping systems and related
9 mechanical appurtenances including backflow preventers, appliances
10 and/or equipment used in connection therewith, directly or
11 indirectly within or without any building or structure, from a point
12 or location in a source of potable water supply at which point or
13 location there exists any backflow preventer, provided that ~~said~~ the
14 pipe and/or piping systems are for:

- 15 a. heating, except radiant-floor heating systems as
16 defined in subparagraph d of paragraph 9 of Section
17 1003 of this title,
- 18 b. cooling,
- 19 c. air conditioning,
- 20 d. refrigeration, or
- 21 e. boilers and other pressure vessels of whatsoever kind
22 and character.

23 A "backflow preventer~~r~~", as used herein, means any permanent
24 mechanical device, or combination of permanent mechanical devices,

1 of whatever material, which, after installation acts to prevent a
2 reversal of the normal directional flow of potable water within the
3 piping system in which it is installed, and shall include, but not
4 be limited to, metal checkvalves and airgaps, either naturally or
5 artificially created. Provided, further, that the exclusionary
6 provisions of this paragraph shall apply only to and within
7 governmental agencies, counties, cities and towns which now have or
8 which hereafter may adopt separate laws relating to the licensing,
9 registration and regulating of persons engaged, for business
10 purposes, in any of the areas of trade hereinbefore specified in
11 this paragraph; the exemptions herein being provided to apply only
12 to these items specifically regulated by any such local laws and
13 ordinances; and

14 6. An individual who performs plumbing work on ~~such~~
15 ~~individual's~~ his or her own residential or farm property of
16 ~~residence~~ or who performs plumbing work on his or her own
17 residential or farm property with the assistance of another person
18 as authorized by the Real Estate Owner's Rights Act.

19 SECTION 4. AMENDATORY 59 O.S. 2011, Section 1692, is
20 amended to read as follows:

21 Section 1692. A. The provisions of the Electrical License Act
22 shall not apply to:

23 1. Minor repairs, consisting of repairing or replacing outlets
24 or minor working parts of electrical fixtures;

1 2. Maintenance work for state and federal institutions;

2 3. The construction, installation, maintenance, repair, and
3 renovation by a public utility regulated by the Corporation
4 Commission;

5 4. Public service corporations, telephone and telegraph
6 companies, rural electric associations or municipal utilities;

7 5. The construction, installation, maintenance, repair, and
8 renovation of telephone equipment or computer systems by a person,
9 firm, or corporation engaged in the telecommunications or
10 information systems industry when such activities involve work
11 exclusively for communication of data, voice, or for other signaling
12 purposes, except fire alarm systems, security systems, and
13 environmental control systems that are not an integral part of a
14 telecommunications system; or

15 6. The installation, maintenance, repair or replacement of
16 water supply pumps, provided such work is performed from the output
17 side of a fused disconnect or breaker box.

18 B. Nothing in the Electrical License Act shall be construed to
19 require:

20 1. Employment of a licensed electrical contractor, journeyman
21 electrician or electrical apprentice except as required by local
22 ordinances and resolutions;

23 2. Any regular employee of any firm or corporation to hold a
24 license before doing any electrical work on the property of the firm

1 or corporation whether or not the property is owned, leased or
2 rented except as may be required by local ordinances and
3 resolutions; or

4 3. An individual to hold a license before doing electrical work
5 on his or her own residential or farm property ~~or residence~~ ~~except~~
6 ~~as may be required by local ordinances and resolutions~~ or doing
7 electrical work on his or her own residential or farm property with
8 the assistance of another person as authorized by the Real Estate
9 Owner's Rights Act.

10 SECTION 5. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1850.7a of Title 59, unless
12 there is created a duplication in numbering, reads as follows:

13 The provisions of the Mechanical Licensing Act shall not apply
14 to an individual who performs mechanical work on his or her own
15 residential or farm property or who performs mechanical work on his
16 or her own residential or farm property with the assistance of
17 another person as authorized by the Real Estate Owner's Rights Act.

18 SECTION 6. This act shall become effective November 1, 2015.

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