

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1728

By: Osborn

COMMITTEE SUBSTITUTE

An Act relating to alternative fuels; amending 74 O.S. 2011, Sections 130.13, as renumbered by Section 17, Chapter 328, O.S.L. 2014, 130.14, as last amended by Section 4, Chapter 328, O.S.L. 2014, and as renumbered by Section 18, Chapter 328, O.S.L. 2014, 130.15, as last amended by Section 5, Chapter 328, O.S.L. 2014, and as renumbered by Section 19, Chapter 328, O.S.L. 2014, 130.16, as last amended by Section 6, Chapter 328, O.S.L. 2014, and as renumbered by Section 20, Chapter 328, O.S.L. 2014, 130.17, as last amended by Section 7, Chapter 328, O.S.L. 2014, and as renumbered by Section 21, Chapter 328, O.S.L. 2014, 130.19, as last amended by Section 9, Chapter 328, O.S.L. 2014, and as renumbered by Section 23, Chapter 328, O.S.L. 2014, 130.22, as last amended by Section 11, Chapter 328, O.S.L. 2014, and as renumbered by Section 26, Chapter 328, O.S.L. 2014, 130.23, as renumbered by Section 27, Chapter 328, O.S.L. 2014 and 130.24, as renumbered by Section 28, Chapter 328, O.S.L. 2014 (40 O.S. Supp. 2014, Sections 142.5, 142.6, 142.7, 142.8, 142.9, 142.11, 142.14, 142.15 and 142.16), which relate to the Alternative Fuels Technician Certification Act; deleting definition; adding definition; deleting number of required examinations; modifying examination waiting period; deleting requirements for liability insurance; adding requirement for liability insurance for certain entities; changing certain accepted standards for this state; adding certain standards for alternative fuel fueling stations; allowing for issuance of alternative fuels trainee certificates; deleting certain certificates and fees; providing for written notice and opportunity for

1 administrative hearing prior to suspensions or
2 revocations; providing for written record and mailing
3 of certain actions; making certain notices public
4 records; allowing for the renewal of a suspended
5 certificate; providing for termination of a revoked
6 certificate; providing process and criteria for
7 application for new certificate that was previously
8 revoked; modifying source of funds for the
9 Alternative Fuels Technician Certification Revolving
Fund; creating the Alternative Fuels Inspection Fees
and Fines Revolving Fund; stating source of funding;
stating purpose; providing for expenditures and
warrants; 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 for application to other
law; and declaring an emergency.

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

13 SECTION 1. AMENDATORY 74 O.S. 2011, Section 130.13, as
14 renumbered by Section 17, Chapter 328, O.S.L. 2014 (40 O.S. Supp.
15 2014, Section 142.5), is amended to read as follows:

16 Section 142.5 As used in the Alternative Fuels Technician
17 Certification Act:

18 1. "Alternative fuels" means liquefied petroleum gas, natural
19 gas and liquid fuels produced from natural gas, methanol, ethanol,
20 electricity, coal-derived liquid fuels, hydrogen, biodiesel and
21 fuels derived from biological materials;

22 2. "Alternative fuels equipment technician" means any person
23 who installs, modifies, repairs or renovates equipment used in the
24 conversion of any engines to engines fueled by alternative fuels.

1 This includes originally equipped manufactured engines dedicated to
2 operate on an alternative fuel;

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

6 4. ~~"Board" means the Alternative Fuels Technician Hearing~~
7 ~~Board;~~

8 ~~5.~~ "Committee" means the Committee of Alternative Fuels
9 Technician Examiners;

10 5. "Compressed natural gas vehicular fuel system" means an
11 object or objects mounted, installed, attached or otherwise placed
12 upon or within a vehicle or vehicle trailer to supply or assist in
13 the supply of compressed natural gas as a fuel to an internal
14 combustion engine or engines;

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

22 7. "Fill station" means the equipment and conveyance property
23 that provides the delivery and, if required, compression of an
24 alternative fuel other than electricity; and

1 8. "Glider" means a vehicle built without an engine or fuel
2 system for the purpose of converting it to an electric vehicle.

3 SECTION 2. AMENDATORY 74 O.S. 2011, Section 130.14, as
4 last amended by Section 4, Chapter 328, O.S.L. 2014, and as
5 renumbered by Section 18, Chapter 328, O.S.L. 2014 (40 O.S. Supp.
6 2014, Section 142.6), is amended to read as follows:

7 Section 142.6 A. There is hereby established the Committee of
8 Alternative Fuels Technician Examiners which shall consist of eight
9 (8) members. All members of the Committee shall be residents of
10 this state.

11 B. Five voting members of the Committee shall be appointed by
12 the Commissioner of Labor as follows:

13 1. Three members shall be alternative fuels technicians
14 selected from a list of names submitted by the State Board of Career
15 and Technology Education, with at least one member being an
16 alternative fuels equipment technician and at least one member being
17 an alternative fuels compression technician;

18 2. One member shall be a person involved in compressed natural
19 gas technology in an oil and/or gas industry; and

20 3. One member shall be a person involved in liquefied petroleum
21 gas technology in an oil and/or gas industry.

22 C. Two additional voting members shall be appointed by the
23 Commissioner of Labor, one of whom shall be selected from a list of
24 names submitted by the State Board of Career and Technology

1 Education and shall be an electric vehicle technician, and one of
2 whom shall be a person involved in manufacturing, conversion, or
3 research in the electric vehicle industry.

4 D. All members shall each have at least two (2) years of active
5 experience in alternative fuels technology. The terms of the voting
6 members initially appointed to the Committee shall be staggered as
7 follows:

8 1. One alternative fuels technician shall be appointed for a
9 term of two (2) years;

10 2. One alternative fuels technician shall be appointed for a
11 term of three (3) years;

12 3. One alternative fuels technician shall be appointed for a
13 term of four (4) years;

14 4. One person involved in compressed natural gas technology in
15 an oil and/or gas industry shall be appointed for a term of three
16 (3) years;

17 5. One person involved in liquefied petroleum gas technology in
18 an oil and/or gas industry shall be appointed for a term of four (4)
19 years;

20 6. One electric vehicle technician shall be appointed for a
21 term of two (2) years; and

22 7. One person involved in manufacturing, conversion, or
23 research in the electric vehicle industry shall be appointed for a
24 term of three (3) years.

1 Thereafter, each voting member of the Committee shall be
2 appointed for a term of five (5) years, or until their successors
3 are appointed and qualified.

4 The nonvoting member shall be designated by the Commissioner of
5 Labor to serve as Program Administrator and Recording Secretary to
6 the Committee.

7 E. Vacancies which may occur in the membership of the Committee
8 shall be filled by appointment of the Commissioner of Labor. Each
9 person who has been appointed to fill a vacancy shall serve for the
10 remainder of the term for which the member such person succeeds was
11 appointed and until a successor has been appointed and has
12 qualified. Members of the Committee may be removed from office by
13 the Commissioner of Labor for cause in the manner provided by law
14 for the removal of officers not subject to impeachment.

15 F. The Committee shall assist and advise the Commissioner of
16 Labor on all matters relating to the formulation of rules and
17 standards in accordance with the Alternative Fuels Technician
18 Certification Act. The ~~Committee~~ Commissioner of Labor or designee
19 shall administer the examinations of applicants for certification as
20 alternative fuels equipment technicians, alternative fuels
21 compression technicians, and electric vehicle technicians provided
22 that such examinations shall be in accordance with the provisions of
23 the Alternative Fuels Technician Certification Act.
24

1 G. All members of the Committee shall be reimbursed for
2 expenses incurred while in the performance of their duties in
3 accordance with the State Travel Reimbursement Act.

4 H. A majority of the total membership of the Committee shall
5 constitute a quorum for the transaction of business.

6 SECTION 3. AMENDATORY 74 O.S. 2011, Section 130.15, as
7 last amended by Section 5, Chapter 328, O.S.L. 2014, and as
8 renumbered by Section 19, Chapter 328, O.S.L. 2014 (40 O.S. Supp.
9 2014, Section 142.7), is amended to read as follows:

10 Section 142.7 A. Examinations for certification as alternative
11 fuels equipment technicians shall be uniform and practical in nature
12 for alternative fuels equipment technician certification and shall
13 be sufficiently strict to test the qualifications and fitness of the
14 applicants for certificates.

15 B. Examinations for certification as alternative fuels
16 compression technicians shall be uniform and practical in nature for
17 alternative fuels compression technician certification and shall be
18 sufficiently strict to test the qualifications and fitness of the
19 applicants for certificates.

20 C. Examinations for certification as electric vehicle
21 technicians shall be uniform and practical in nature for electric
22 vehicle technician certification and shall be sufficiently strict to
23 test the qualifications and fitness of the applicants for
24 certificates.

1 D. Examinations shall be in whole or in part in writing. ~~The~~
2 ~~Committee shall conduct examinations twice a year and at such other~~
3 ~~times as it deems necessary.~~ Any applicant initially failing to
4 pass the examination shall not be permitted to take another
5 examination for a period of thirty (30) days. Any applicant
6 subsequently failing to pass the examination shall not be permitted
7 to take another examination for a period of ~~ninety (90)~~ thirty (30)
8 days.

9 E. The Department of Labor shall enforce the provisions of this
10 section.

11 SECTION 4. AMENDATORY 74 O.S. 2011, Section 130.16, as
12 last amended by Section 6, Chapter 328, O.S.L. 2014, and as
13 renumbered by Section 20, Chapter 328, O.S.L. 2014 (40 O.S. Supp.
14 2014, Section 142.8), is amended to read as follows:

15 Section 142.8 A. The Department of Labor shall issue a
16 certificate as an alternative fuels equipment technician to any
17 person who:

18 1. Has been licensed by the Oklahoma Liquefied Petroleum Gas
19 Board and has successfully passed the appropriate examination as
20 provided in the Alternative Fuels Technician Certification Act, or

21 ~~2. Has~~ has been certified by the Committee as either having
22 successfully passed the appropriate examination or having a valid
23 license or certificate issued by another governmental entity with
24

1 licensing or certification requirements similar to those provided in
2 the Alternative Fuels Technician Certification Act; and

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

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

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

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

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

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

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

23 1. Has been certified by the Committee as either having
24 successfully passed the appropriate examination or having a valid

1 license or certificate issued by another governmental entity with
2 licensing or certification requirements similar to those provided in
3 the Alternative Fuels Technician Certification Act; and

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

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

9 D. In the case of a company, partnership or corporation engaged
10 in the business of installing, servicing, repairing, modifying or
11 renovating equipment used in the conversion of engines to engines
12 fueled by alternative fuels, a separate certificate shall be issued
13 by the Department of Labor to that individual company, partnership
14 or corporation. This certificate is for the express purpose of
15 recognizing that the company, partnership or corporation is an
16 authorized alternative fuels conversion business and employs state-
17 certified alternative fuels equipment technicians. Any violations
18 by a certified alternative fuels equipment technician shall be
19 deemed a violation by the certified company, partnership or
20 corporation employing such certified technician. A company,
21 partnership or corporation engaged in the business of installing,
22 servicing, repairing, modifying or renovating equipment used in the
23 conversion of engines to engines fueled by alternative fuels shall
24 provide the Department of Labor with proof of liability insurance

1 with limits of not less than One Million Dollars (\$1,000,000.00)
2 general liability.

3 E. In the case of a company, partnership or corporation engaged
4 in the business of installing, servicing, repairing, modifying or
5 renovating fill stations, a separate certificate shall be issued by
6 the Department of Labor to that individual company, partnership or
7 corporation. This certificate is for the express purpose of
8 recognizing that the company, partnership or corporation is an
9 authorized fill station installation business and employs state-
10 certified alternative fuels compression technicians or electric
11 vehicle technicians. Any violations by a certified alternative
12 fuels compression technician or electric vehicle technician shall be
13 deemed a violation by the certified company, partnership or
14 corporation employing such certified technician. A company,
15 partnership or corporation engaged in the business of installing,
16 servicing, repairing, modifying or renovating fill stations shall
17 provide the Department of Labor with proof of liability insurance
18 with limits of not less than One Million Dollars (\$1,000,000.00)
19 general liability.

20 F. In conjunction with subsection A of this section, the
21 Department of Labor shall issue an Alternative Fuels Equipment
22 Installation Certification to any public entity or private company,
23 partnership or corporation that operates commercial, private or
24 public fleets of vehicles and employs ten or more auto service

1 technicians per location. The certification shall be based on the
2 ability of the applicant to provide their own alternative fuels
3 equipment technician training program which shall be certified by
4 the Department of Labor, Committee of Alternative Fuels Technician
5 Examiners. This subsection shall not apply to allow certification
6 of any alternative fuels compression technician training programs.

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

15 H. The standards for the storage and handling of liquefied
16 petroleum gases ~~adopted by the National Fire Protection Association~~
17 ~~and published in the latest edition of its Pamphlet No. 58 and the~~
18 in the codes adopted by the Oklahoma Uniform Building Code
19 Commission pursuant to the Oklahoma Uniform Building Code Act shall
20 be the accepted codes and standards for this state. The standards
21 for the installation of compressed natural gas vehicular fuel
22 systems adopted by the National Fire Protection Association and
23 published in its Pamphlet No. 52 shall be the accepted standards for
24 this state. The accepted standards for this state for electric

1 vehicle charge stations shall be the ~~National Electric Code (NEC)~~
2 codes adopted by the Oklahoma Uniform Building Code Commission. The
3 standards for the design, construction, installation, repair, use
4 and inspection of alternative fuel fueling stations, including
5 residential fueling appliances and facilities, in the codes adopted
6 by the Oklahoma Uniform Building Code Commission pursuant to the
7 Oklahoma Uniform Building Code Commission Act shall be the accepted
8 codes and standards for this state. The Commissioner of Labor is
9 authorized, and it shall be ~~his or her~~ the duty of the Commissioner
10 to adopt and promulgate such rules or specifications relating to
11 safety in the manufacture, assembly, sale, installation and use of
12 vehicular alternative fuel systems. The Commissioner of Labor is
13 further authorized to modify or amend such rules or specifications
14 as he or she deems reasonable and necessary.

15 I. The Department of Labor may issue an alternative fuels
16 trainee certificate to any person who submits a trainee application
17 to the Department within fifteen (15) business days of being hired
18 by a licensed alternative fuels conversion company. An alternative
19 fuels trainee shall be employed by a licensed alternative fuels
20 conversion company located in Oklahoma. A trainee shall work under
21 the direct supervision of a licensed alternative fuels equipment
22 technician. There shall be no more than two alternative fuels
23 trainees per licensed alternative fuels equipment technician at any
24 licensed Oklahoma alternative fuels conversion company at any one

1 time. An individual that holds a trainee license may engage in any
2 licensed category pursuant to the Alternative Fuels Technician
3 Certification Act while under the direct supervision of an
4 individual holding the appropriate license in the category of
5 activity being performed.

6 SECTION 5. AMENDATORY 74 O.S. 2011, Section 130.17, as
7 last amended by Section 7, Chapter 328, O.S.L. 2014, and as
8 renumbered by Section 21, Chapter 328, O.S.L. 2014 (40 O.S. Supp.
9 2014, Section 142.9), is amended to read as follows:

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

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

20 B. The following shall be the fees charged under the
21 Alternative Fuels Technician Certification Act.

22 Alternative Fuels Equipment Technician Examination	\$50.00
23 Alternative Fuels Compression Technician Examination	\$50.00
24 Electric Vehicle Technician Examination	\$50.00

1	Alternative Fuels Equipment Technician Certificate	\$50.00
2	Alternative Fuels Compression Technician Certificate	\$50.00
3	Electric Vehicle Technician Certificate	\$50.00
4	Certificate renewal, if made within thirty (30) days after	
5	expiration:	
6	Alternative Fuels Equipment Technician Certificate	\$50.00
7	Alternative Fuels Compression Technician Certificate	\$50.00
8	Electric Vehicle Technician Certificate	\$50.00
9	Penalty for Late Certification Renewal:	
10	Alternative Fuels Equipment Technician Certificate	\$10.00
11	Alternative Fuels Compression Technician Certificate	\$10.00
12	Electric Vehicle Technician Certificate	\$10.00
13	Certificate fee if certified after March 1 of each year:	
14	Alternative Fuels Equipment Technician Certificate	\$25.00
15	Alternative Fuels Compression Technician Certificate	\$25.00
16	Electric Vehicle Technician Certificate	\$25.00
17	Certificate fee if certified after June 1 of each year:	
18	Alternative Fuels Equipment Technician Certificate	\$12.50
19	Alternative Fuels Compression Technician Certificate	\$12.50
20	Electric Vehicle Technician Certificate	\$12.50
21	Company, Partnership or Corporation Certificate	\$100.00
22	Annual Renewal for Company, Partnership or Corporation	
23	Certificate	\$100.00
24	Training Program Certification (one-time fee)	\$500.00

Alternative Fuels Installation Certification Per

Location	\$1,000.00
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Annual Renewal of Alternative Fuels Installation

Certification Per Location	\$1,000.00
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SECTION 6. AMENDATORY 74 O.S. 2011, Section 130.19, as last amended by Section 9, Chapter 328, O.S.L. 2014, and as renumbered by Section 23, Chapter 328, O.S.L. 2014 (40 O.S. Supp. 2014, Section 142.11), is amended to read as follows:

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

B. The Commissioner of Labor or designee may, upon the motion of the Commissioner or designee, and shall, upon written complaint filed by any person, investigate the business transactions of any certified alternative fuels equipment or compression technician, or electric vehicle technician. The results of the investigation may be presented to the Committee and the Committee may recommend suspension or revocation of the license, certificate or registration. The Commissioner of Labor or designee shall suspend or revoke any certificate or registration obtained by false or fraudulent representation. The Commissioner of Labor or designee

1 shall also suspend or revoke any certificate or registration for any
2 of the following:

3 1. Making a material misstatement in the application for a
4 certificate or registration, or the renewal of a certificate or
5 registration;

6 2. Loaning or illegally using a certificate;

7 3. Demonstrating incompetence to act as an alternative fuels
8 equipment technician, alternative fuels compression technician, or
9 electric vehicle technician;

10 4. Violating any provisions of the Alternative Fuels Technician
11 Certification Act, or any rule or order prescribed by the Department
12 of Labor; or

13 5. Willfully failing to perform normal business obligations
14 without justifiable cause.

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

20 C. Before final action under subsections A and B of this
21 section, the Committee shall provide thirty (30) days written notice
22 to the applicant or licensee involved of the intended action and
23 give sufficient opportunity for the person to request an
24 administrative hearing and to be represented by an attorney. If

1 requested, a hearing shall be scheduled by the Commissioner as
2 provided in the Administrative Procedures Act.

3 D. In the event the Commissioner denies the application for, or
4 revokes or suspends, any certificate or imposes any reprimand, a
5 record of the action shall be in writing and officially signed by
6 the Commissioner. The original copy shall be filed with the
7 Department of Labor and a copy mailed to the affected applicant or
8 licensee within two (2) days of the final action taken by the
9 Commissioner.

10 E. Notice of the suspension or revocation of any license shall
11 be made public record.

12 F. A suspended certificate shall be subject to expiration and
13 may be renewed as provided by the Alternative Fuels Technician
14 Certification Act, regardless of the term of suspension. A renewal
15 of a suspended certificate shall not remove the suspension term.

16 G. Except as otherwise provided, a revoked certificate
17 terminates on the date of revocation and cannot be reinstated. The
18 Commissioner may reverse the revocation action. Any licensee whose
19 certificate is revoked may apply for a new certificate. The
20 licensee shall meet all requirements for a certificate as stated in
21 the Alternative Fuels Technician Certification Act. The Committee
22 may recommend issuance or denial of a new certificate. In
23 determining whether to issue or deny a new certificate, the
24 Committee shall consider, but not be limited to, the nature,

1 circumstances, and gravity of the violation or violations leading to
2 revocation, the degree of culpability, and any show of good faith in
3 attempting to achieve compliance with the provisions of the
4 Alternative Fuels Technician Certification Act, and whether the
5 applicant has demonstrated good moral character.

6 SECTION 7. AMENDATORY 74 O.S. 2011, Section 130.22, as
7 last amended by Section 11, Chapter 328, O.S.L. 2014, and as
8 renumbered by Section 26, Chapter 328, O.S.L. 2014 (40 O.S. Supp.
9 2014, Section 142.14), is amended to read as follows:

10 Section 142.14 A. All monies received by the Department of
11 Labor under the Alternative Fuels Technician Certification Act and
12 derived from Alternative Fuels Technician certification fees and
13 related enforcement actions and fines shall be deposited with the
14 State Treasurer and credited to the "Alternative Fuels Technician
15 Certification Revolving Fund". The revolving fund shall be a
16 continuing fund not subject to fiscal year limitations and shall be
17 under the control and management of the Department of Labor.
18 Expenditures from this fund shall be made pursuant to the purposes
19 of the Alternative Fuels Technician Certification Act and shall
20 include, but not be limited to, payment of operating costs, costs of
21 programs designed to promote public awareness of the alternative
22 fuels industry, expenditures for the preparation and printing of
23 regulations, bulletins or other documents and the furnishing of
24 copies of the documents to those persons engaged in the alternative

1 fuels industry or the public, and expenses the Department of Labor
2 incurs to support program operations. Warrants for expenditures
3 shall be drawn by the State Treasurer based on claims signed and
4 approved for payment by the Director of the Office of Management and
5 Enterprise Services.

6 B. All monies received by the Department of Labor under the
7 Alternative Fuels Technician Certification Act and derived from the
8 inspection of alternative fuel fill stations and related enforcement
9 actions shall be deposited with the State Treasurer and credited to
10 the "Alternative Fuels Inspection Fees and Fines Revolving Fund".
11 The revolving fund shall be a continuing fund not subject to fiscal
12 year limitations and shall be under the control and management of
13 the Department of Labor. Expenditures from the fund shall be made
14 pursuant to the purposes of the Alternative Fuel Fill Station
15 Inspection and Licensing Program under the Alternative Fuels
16 Technician Certification Act and shall include, but not be limited
17 to, payment of administrative costs and other operational costs
18 supporting the program, payment of costs designed to promote public
19 awareness of the alternative fuels industry, expenditures for the
20 preparation and printing of regulations, bulletins or other
21 documents and the furnishing of copies of the documents to those
22 persons engaged in the alternative fuels industry or the public.
23 Warrants for expenditures shall be drawn by the State Treasurer
24

1 based on claims signed and approved for payment by the Director of
2 the Office of Management and Enterprise Services.

3 SECTION 8. AMENDATORY 74 O.S. 2011, Section 130.23, as
4 renumbered by Section 27, Chapter 328, O.S.L. 2014 (40 O.S. Supp.
5 2014, Section 142.15), is amended to read as follows:

6 Section 142.15 Any person convicted of violating any provision
7 of the Alternative Fuels Technician Certification Act shall be
8 guilty of a misdemeanor. The continued violation of any provision
9 of the Alternative Fuels Technician Certification Act during each
10 day shall be deemed to be a separate offense. Upon conviction
11 thereof the person shall be punished by imprisonment in the county
12 jail not to exceed one (1) year, or by a fine of not more than One
13 Thousand Dollars (\$1,000.00), or by both such fine and imprisonment
14 for each offense. The ~~Alternative Fuels Technician Hearing Board~~
15 Commissioner of Labor or designee may request the appropriate
16 district attorney to prosecute such violation and seek an injunction
17 against such practice.

18 SECTION 9. AMENDATORY 74 O.S. 2011, Section 130.24, as
19 renumbered by Section 28, Chapter 328, O.S.L. 2014 (40 O.S. Supp.
20 2014, Section 142.16), is amended to read as follows:

21 Section 142.16 A. Any person who has been determined by the
22 ~~Alternative Fuels Technician Hearing Board~~ Commissioner of Labor or
23 designee to have violated any provision of the Alternative Fuels
24 Technician Certification Act or any rule or order issued pursuant to

1 the provisions of the Alternative Fuels Technician Certification Act
2 may be liable for a civil penalty of not more than One Hundred
3 Dollars (\$100.00) for each day that said violation occurs. The
4 maximum civil penalty shall not exceed Ten Thousand Dollars
5 (\$10,000.00) for any related series of violations.

6 B. The amount of the penalty shall be assessed by the ~~Board~~
7 Commissioner of Labor or designee pursuant to the provisions of
8 subsection A of this section, after notice and hearing. In
9 determining the amount of the penalty, the ~~Board~~ Commissioner of
10 Labor or designee shall include, but not be limited to,
11 consideration of the nature, circumstances, and gravity of the
12 violation and, with respect to the person found to have committed
13 the violation, the degree of culpability, and any show of good faith
14 in attempting to achieve compliance with the provisions of the
15 Alternative Fuels Technician Certification Act. All monies
16 collected from such civil penalties shall be deposited with the
17 State Treasurer of Oklahoma and placed in the Alternative Fuels
18 Technician Certification Revolving Fund.

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

22 D. In addition to, or in lieu of, the civil penalties set forth
23 in subsections A and B of this section, the Commissioner of Labor or
24

1 designee, at the discretion of the Commissioner or designee, may
2 assess the following fines for violations of the act:

- 3 1. Failure to meet the applicable adopted minimum
4 standards in the installation, modification, repair,
5 maintenance, or renovation of an alternative fuel
6 fill station, an electric vehicle charge station or
7 alternative fuel vehicle equipment, per occurrence: \$200.00
- 8 2. Performing the work or offering, by advertisement or
9 otherwise, to perform the work of an alternative
10 fuels equipment technician without valid
11 certification, per occurrence: \$200.00
- 12 3. Performing the work or offering, by advertisement or
13 otherwise, to perform the work of an alternative
14 fuels compression technician without valid
15 certification, per occurrence: \$200.00
- 16 4. Performing the work or offering, by advertisement or
17 otherwise, to perform the work of an electric
18 vehicle technician without valid certification, per
19 occurrence: \$200.00
- 20 5. Performing the work or offering, by advertisement or
21 otherwise, to perform the work of an alternative
22 fuels installation company, partnership or
23 corporation without valid certification, per
24 occurrence: \$500.00

1 E. Payment for the fines set forth in subsection D of this
2 section shall be due within thirty (30) days of issuance of a
3 citation by the Commissioner or designee. Any person wishing to
4 contest any of the aforementioned fines shall petition the
5 Commissioner or designee for an administrative hearing, in writing,
6 within thirty (30) days of issuance of the fine or fines. If
7 requested, the hearing shall then be scheduled by the Commissioner
8 or designee as provided in the Administrative Procedures Act.

9 F. Nothing in this section shall be construed to prevent
10 revocation or suspension of a certificate pursuant to Section 142.11
11 of this title.

12 SECTION 10. It being immediately necessary for the preservation
13 of the public peace, health and safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

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