

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1728

By: Osborn of the House

and

Justice of the Senate

7
8
9 COMMITTEE SUBSTITUTE

10 An Act relating to alternative fuels; amending 74
11 O.S. 2011, Sections 130.13, as renumbered by Section
12 17, Chapter 328, O.S.L. 2014, 130.14, as last amended
13 by Section 4, Chapter 328, O.S.L. 2014, and as
14 renumbered by Section 18, Chapter 328, O.S.L. 2014,
15 130.15, as last amended by Section 5, Chapter 328,
16 O.S.L. 2014, and as renumbered by Section 19, Chapter
17 328, O.S.L. 2014, 130.16, as last amended by Section
18 6, Chapter 328, O.S.L. 2014, and as renumbered by
19 Section 20, Chapter 328, O.S.L. 2014, 130.17, as last
20 amended by Section 7, Chapter 328, O.S.L. 2014, and
21 as renumbered by Section 21, Chapter 328, O.S.L.
22 2014, 130.19, as last amended by Section 9, Chapter
23 328, O.S.L. 2014, and as renumbered by Section 23,
24 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

1 accepted standards for this state; adding certain
2 standards for alternative fuel fueling stations;
3 allowing for issuance of alternative fuels trainee
4 certificates; deleting certain certificates and fees;
5 providing for written notice and opportunity for
6 administrative hearing prior to suspensions or
7 revocations; providing for written record and mailing
8 of certain actions; making certain notices public
9 records; allowing for the renewal of a suspended
10 certificate; providing for termination of a revoked
11 certificate; providing process and criteria for
12 application for new certificate that was previously
13 revoked; modifying source of funds for the
14 Alternative Fuels Technician Certification Revolving
15 Fund; creating the Alternative Fuels Inspection Fees
16 and Fines Revolving Fund; stating source of funding;
17 stating purpose; providing for expenditures and
18 warrants; changing references to the Alternative
19 Fuels Technician Hearing Board; establishing fines
20 for certain violations; setting time period for
21 payment of fines; allowing an administrative hearing
22 to contest a fine; providing for application to other
23 law; and declaring an emergency.

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

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

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

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

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

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

9 4. ~~"Board" means the Alternative Fuels Technician Hearing~~
10 ~~Board;~~

11 5. "Committee" means the Committee of Alternative Fuels
12 Technician Examiners;

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

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

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

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

6 SECTION 2. AMENDATORY 74 O.S. 2011, Section 130.14, as
7 last amended by Section 4, Chapter 328, O.S.L. 2014, and as
8 renumbered by Section 18, Chapter 328, O.S.L. 2014 (40 O.S. Supp.
9 2014, Section 142.6), is amended to read as follows:

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

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

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

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

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

1 C. Two additional voting members shall be appointed by the
2 Commissioner of Labor, one of whom shall be selected from a list of
3 names submitted by the State Board of Career and Technology
4 Education and shall be an electric vehicle technician, and one of
5 whom shall be a person involved in manufacturing, conversion, or
6 research in the electric vehicle industry.

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

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

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

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

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

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

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

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

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

7 The nonvoting member shall be designated by the Commissioner of
8 Labor to serve as Program Administrator and Recording Secretary to
9 the Committee.

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

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

1 that such examinations shall be in accordance with the provisions of
2 the Alternative Fuels Technician Certification Act.

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

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

8 SECTION 3. AMENDATORY 74 O.S. 2011, Section 130.15, as
9 last amended by Section 5, Chapter 328, O.S.L. 2014, and as
10 renumbered by Section 19, Chapter 328, O.S.L. 2014 (40 O.S. Supp.
11 2014, Section 142.7), is amended to read as follows:

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

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

22 C. Examinations for certification as electric vehicle
23 technicians shall be uniform and practical in nature for electric
24 vehicle technician certification and shall be sufficiently strict to

1 test the qualifications and fitness of the applicants for
2 certificates.

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

11 E. The Department of Labor shall enforce the provisions of this
12 section.

13 SECTION 4. AMENDATORY 74 O.S. 2011, Section 130.16, as
14 last amended by Section 6, Chapter 328, O.S.L. 2014, and as
15 renumbered by Section 20, Chapter 328, O.S.L. 2014 (40 O.S. Supp.
16 2014, Section 142.8), is amended to read as follows:

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

20 1. Has been licensed by the Oklahoma Liquefied Petroleum Gas
21 Board and has successfully passed the appropriate examination as
22 provided in the Alternative Fuels Technician Certification Act; or
23 2. ~~Has~~ 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 ~~3.~~ 2. Has paid the certification fee and otherwise complied
5 with the provisions of the Alternative Fuels Technician
6 Certification Act; ~~and~~

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

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

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

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

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

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

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

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

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

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

1 conversion of engines to engines fueled by alternative fuels shall
2 provide the Department of Labor with proof of liability insurance
3 with limits of not less than One Million Dollars (\$1,000,000.00)
4 general liability.

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

22 F. In conjunction with subsection A of this section, the
23 Department of Labor shall issue an Alternative Fuels Equipment
24 Installation Certification to any public entity or private company,

1 partnership or corporation that operates commercial, private or
2 public fleets of vehicles and employs ten or more auto service
3 technicians per location. The certification shall be based on the
4 ability of the applicant to provide their own alternative fuels
5 equipment technician training program which shall be certified by
6 the Department of Labor, Committee of Alternative Fuels Technician
7 Examiners. This subsection shall not apply to allow certification
8 of any alternative fuels compression technician training programs.

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

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

1 published in its Pamphlet No. 52 shall be the accepted standards for
2 this state. The accepted standards for this state for electric
3 vehicle charge stations shall be the ~~National Electric Code (NEC)~~
4 codes adopted by the Oklahoma Uniform Building Code Commission. The
5 standards for the design, construction, installation, repair, use
6 and inspection of alternative fuel fueling stations, including
7 residential fueling appliances and facilities, in the codes adopted
8 by the Oklahoma Uniform Building Code Commission pursuant to the
9 Oklahoma Uniform Building Code Commission Act shall be the accepted
10 codes and standards for this state. The Commissioner of Labor is
11 authorized, and it shall be ~~his or her~~ the duty of the Commissioner
12 to adopt and promulgate such rules or specifications relating to
13 safety in the manufacture, assembly, sale, installation and use of
14 vehicular alternative fuel systems. The Commissioner of Labor is
15 further authorized to modify or amend such rules or specifications
16 as he or she deems reasonable and necessary.

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

trainees per licensed alternative fuels equipment technician at any
licensed Oklahoma alternative fuels conversion company at any one
time. An individual that holds a trainee license may engage in any
licensed category pursuant to the Alternative Fuels Technician
Certification Act while under the direct supervision of an
individual holding the appropriate license in the category of
activity being performed.

SECTION 5. AMENDATORY 74 O.S. 2011, Section 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 (40 O.S. Supp.
2014, Section 142.9), is amended to read as follows:

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

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

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

Alternative Fuels Equipment Technician Examination	\$50.00
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Alternative Fuels Compression Technician Examination	\$50.00
Electric Vehicle Technician Examination	\$50.00
Alternative Fuels Equipment Technician Certificate	\$50.00
Alternative Fuels Compression Technician Certificate	\$50.00
Electric Vehicle Technician Certificate	\$50.00
Certificate renewal, if made within thirty (30) days after expiration:	
Alternative Fuels Equipment Technician Certificate	\$50.00
Alternative Fuels Compression Technician Certificate	\$50.00
Electric Vehicle Technician Certificate	\$50.00
Penalty for Late Certification Renewal:	
Alternative Fuels Equipment Technician Certificate	\$10.00
Alternative Fuels Compression Technician Certificate	\$10.00
Electric Vehicle Technician Certificate	\$10.00
Certificate fee if certified after March 1 of each year:	
Alternative Fuels Equipment Technician Certificate	\$25.00
Alternative Fuels Compression Technician Certificate	\$25.00
Electric Vehicle Technician Certificate	\$25.00
Certificate fee if certified after June 1 of each year:	
Alternative Fuels Equipment Technician Certificate	\$12.50
Alternative Fuels Compression Technician Certificate	\$12.50
Electric Vehicle Technician Certificate	\$12.50
Company, Partnership or Corporation Certificate	\$100.00

1 Annual Renewal for Company, Partnership or Corporation

2 Certificate \$100.00

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

4 Alternative Fuels Installation Certification Per

5 Location \$1,000.00

6 Annual Renewal of Alternative Fuels Installation

7 Certification Per Location \$1,000.00

8 SECTION 6. AMENDATORY 74 O.S. 2011, Section 130.19, as

9 last amended by Section 9, Chapter 328, O.S.L. 2014, and as

10 renumbered by Section 23, Chapter 328, O.S.L. 2014 (40 O.S. Supp.

11 2014, Section 142.11), is amended to read as follows:

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

17 B. The Commissioner of Labor or designee may, upon the motion
18 of the Commissioner or designee, and shall, upon written complaint
19 filed by any person, investigate the business transactions of any
20 certified alternative fuels equipment or compression technician, or
21 electric vehicle technician. The results of the investigation may
22 be presented to the Committee and the Committee may recommend
23 suspension or revocation of the license, certificate or
24 registration. The Commissioner of Labor or designee shall suspend

1 or revoke any certificate or registration obtained by false or
2 fraudulent representation. The Commissioner of Labor or designee
3 shall also suspend or revoke any certificate or registration for any
4 of the following:

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

8 2. Loaning or illegally using a certificate;

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

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

15 5. Willfully failing to perform normal business obligations
16 without justifiable cause.

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

22 C. Before final action under subsections A and B of this
23 section, the Committee shall provide thirty (30) days written notice
24 to the applicant or licensee involved of the intended action and

1 give sufficient opportunity for the person to request an
2 administrative hearing and to be represented by an attorney. If
3 requested, a hearing shall be scheduled by the Commissioner as
4 provided in the Administrative Procedures Act.

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

12 E. Notice of the suspension or revocation of any license shall
13 be made public record.

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

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

determining whether to issue or deny a new certificate, the Committee shall consider, but not be limited to, the nature, circumstances, and gravity of the violation or violations leading to revocation, the degree of culpability, and any show of good faith in attempting to achieve compliance with the provisions of the Alternative Fuels Technician Certification Act, and whether the applicant has demonstrated good moral character.

SECTION 7. AMENDATORY 74 O.S. 2011, Section 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 (40 O.S. Supp. 2014, Section 142.14), is amended to read as follows:

Section 142.14 A. All monies received by the Department of Labor under the Alternative Fuels Technician Certification Act and derived from Alternative Fuels Technician certification fees and related enforcement actions and fines shall be deposited with the State Treasurer and credited to the "Alternative Fuels Technician Certification Revolving Fund". The revolving fund shall be a continuing fund not subject to fiscal year limitations and shall be under the control and management of the Department of Labor. Expenditures from this fund shall be made pursuant to the purposes of the Alternative Fuels Technician Certification Act and shall include, but not be limited to, payment of operating costs, costs of programs designed to promote public awareness of the alternative fuels industry, expenditures for the preparation and printing of

1 regulations, bulletins or other documents and the furnishing of
2 copies of the documents to those persons engaged in the alternative
3 fuels industry or the public, and expenses the Department of Labor
4 incurs to support program operations. Warrants for expenditures
5 shall be drawn by the State Treasurer based on claims signed and
6 approved for payment by the Director of the Office of Management and
7 Enterprise Services.

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

1 Warrants for expenditures shall be drawn by the State Treasurer
2 based on claims signed and approved for payment by the Director of
3 the Office of Management and Enterprise Services.

4 SECTION 8. AMENDATORY 74 O.S. 2011, Section 130.23, as
5 renumbered by Section 27, Chapter 328, O.S.L. 2014 (40 O.S. Supp.
6 2014, Section 142.15), is amended to read as follows:

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

19 SECTION 9. AMENDATORY 74 O.S. 2011, Section 130.24, as
20 renumbered by Section 28, Chapter 328, O.S.L. 2014 (40 O.S. Supp.
21 2014, Section 142.16), is amended to read as follows:

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

1 Technician Certification Act or any rule or order issued pursuant to
2 the provisions of the Alternative Fuels Technician Certification Act
3 may be liable for a civil penalty of not more than One Hundred
4 Dollars (\$100.00) for each day that said violation occurs. The
5 maximum civil penalty shall not exceed Ten Thousand Dollars
6 (\$10,000.00) for any related series of violations.

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

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

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

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.

16
17 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, LABOR, AND RETIREMENT
18 LAWS, dated 02/25/2015 - DO PASS, As Amended and Coauthored.
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