

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 HOUSE BILL 2936

 By: Mulready

7 AS INTRODUCED

8 An Act relating to professions and occupations;
9 amending 59 O.S. 2011, Sections 1682, 1685, 1686,
10 1688 and 1689, as amended by Section 23, Chapter 313,
 O.S.L. 2015 (59 O.S. Supp. 2017, Section 1689), which
11 relate to the Electrical License Act; adding
 definitions; authorizing Construction Industries
12 Board to issue certain license and certification;
 providing for qualifications for certification;
13 providing for fee for license; requiring hours of
 continuing education; modifying investigation powers
14 of the Board; providing for supervisory authority for
 certain electricians; providing for codification; and
 providing an effective date.

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

18 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1682, is
19 amended to read as follows:

20 Section 1682. As used in the Electrical License Act:

21 1. "Board" means the Construction Industries Board;

22 2. "Committee" means the Committee of Electrical Examiners
23 appointed by the Board;

1 3. "Electrical apprentice" means any person sixteen (16) years
2 of age or older whose principal occupation is the learning of and
3 assisting in the installation of electrical work under the direct
4 supervision of a licensed journeyman electrician or electrical
5 contractor;

6 4. "Journeyman electrician" means any person other than an
7 electrical contractor who engages in the actual installation,
8 alteration, repair or renovation of electrical facilities or
9 electrical construction work unless specifically exempted by the
10 provisions of the Electrical License Act;

11 5. "Electrical contractor" means any person skilled in the
12 planning, superintending and practical installation of electrical
13 facilities who is familiar with the laws, rules and regulations
14 governing such work. Electrical contractor also means any
15 individual, firm, partnership, corporation, limited liability
16 company, or business performing skills of an electrical contractor
17 or an electrician or the business of contracting, or furnishing
18 labor or labor and materials for the installation, repair,
19 maintenance or renovation of electrical facilities or electrical
20 construction work according to the provisions of the Electrical
21 License Act;

22 6. "Electrical facilities" means all wiring, fixtures,
23 appurtenances, and appliances for, and in connection with, a supply
24 of electricity within or adjacent to any building, structure or

1 conveyance on the premises but not including the connection with a
2 power supply meter or other power supply source;

3 7. "Category" means the classification by which licenses and
4 electrical work may be limited. Such categories shall include but
5 shall not be limited to installation, maintenance, repair,
6 alteration, residential, oilfield, and commercial;

7 8. "Temporary journeyman electrician" means any person other
8 than a person permanently licensed as a journeyman electrician or
9 electrical contractor in this state who meets the temporary
10 licensure requirements of Section 1685.1 of this title;

11 9. "Variance and Appeals Board" means the Oklahoma State
12 Electrical Installation Code Variance and Appeals Board; ~~and~~

13 10. "Electrical construction work" means installation,
14 fabrication or assembly of equipment or systems included in
15 "premises wiring" as defined in the National Electrical Code
16 (reference 158:40-1-4. Standard of Installation), and which is
17 hereby adopted and incorporated by reference. Electrical
18 construction work includes, but is not limited to, installation of
19 raceway systems used for any electrical purposes, and installation
20 of field-assembled systems such as ice and snow melting, pipe-
21 tracing, and manufactured wiring systems. Electrical construction
22 work shall not include in-plant work performed by employees of the
23 company owning the plant, work performed by telecommunications
24 employees for telecommunications companies, or installation of

1 factory-assembled appliances or machinery which is not part of the
2 premises wiring unless wiring interconnections external to the
3 equipment are required in the field;

4 11. "Student electrical intern" means any person sixteen (16)
5 years of age or older who complies with the requirements for
6 registration under Section 1686 of this title; and

7 12. "Licensed electrical apprentice" means any person who can
8 demonstrate ten thousand (10,000) hours of experience as an
9 electrical apprentice and who complies with the requirements for
10 licensure under Section 1686 of this title.

11 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1685, is
12 amended to read as follows:

13 Section 1685. A. The Construction Industries Board shall issue
14 a license as journeyman electrician or electrical contractor to any
15 person who:

16 1. Has been certified by the Committee of Electrical Examiners
17 as either having successfully passed the appropriate examination or
18 having a valid license issued by another governmental entity with
19 licensing requirements similar to those provided in the Electrical
20 License Act;

21 2. Has paid the license fee and otherwise complied with the
22 provisions of the Electrical License Act; and

23 3. Has, when required by the Board, provided such documents,
24 statements or other information as may be necessary to submit to a

1 national criminal history record check as defined by Section 150.9
2 of Title 74 of the Oklahoma Statutes.

3 B. The Construction Industries Board shall issue a license as a
4 licensed electrical apprentice to any person who has been certified
5 by the Committee of Electrical Examiners as having ten thousand
6 (10,000) or more verifiable hours of experience as an electrical
7 apprentice, and who has paid the license fee and otherwise complied
8 with the provisions of the Electrical License Act. The fee for
9 licensure as a licensed electrical apprentice shall be the same as
10 for registration of electrical apprentices.

11 C. All licenses shall be nontransferable and it shall be a
12 misdemeanor for any person licensed under the provisions of the
13 Electrical License Act to loan or allow the use of such license by
14 any other person, firm or corporation, except as specifically
15 provided in the Electrical License Act.

16 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1686, is
17 amended to read as follows:

18 Section 1686. A. The Construction Industries Board shall, upon
19 proper application and payment of fee, register as an electrical
20 apprentice and issue a certificate of such registration to any
21 person who furnishes satisfactory proof to the Board that the
22 applicant is:

- 23 1. Sixteen (16) years of age or ~~over~~ older; and
- 24

1 2. Enrolled in a school or federal training program for
2 electrical apprentices recognized by the Board, or employed as an
3 electrical apprentice with an active licensed electrical contractor.

4 B. The Construction Industries Board shall, upon proper
5 application and payment of fee, register as a student electrical
6 intern and issue a certificate of such registration to any person
7 who furnishes satisfactory proof to the Board that the applicant is:

8 1. Sixteen (16) years of age or older; and

9 2. Enrolled in high school and enrolled in a work-ready or
10 similar program recognized by the Board.

11 The fee for registration as a student electrical intern shall be
12 one-half (1/2) the amount of the fee for the registration of
13 electrical apprentices.

14 C. All applications for examination, license or renewal of
15 license shall be made in writing to the Board on forms provided, if
16 necessary, by the Board. All applications shall be accompanied by
17 the appropriate fee.

18 ~~C.~~ D. Apprentices and student electrical interns, when required
19 by the Board, shall provide such documents, statements or other
20 information as may be necessary to submit to a national criminal
21 history record check as defined by Section 150.9 of Title 74 of the
22 Oklahoma Statutes.

23 SECTION 4. AMENDATORY 59 O.S. 2011, Section 1688, is
24 amended to read as follows:

1 Section 1688. A. No license shall be issued for longer than
2 one (1) year, and all licenses shall expire on the last day in the
3 birth month of the licensee. A license may be renewed upon
4 application and payment of fees thirty (30) days preceding or
5 following the date the license is due. Licenses renewed more than
6 thirty (30) days following the date of expiration may be renewed
7 only upon application and payment of all required fees and payment
8 of any penalty for late renewal established by the Board and upon
9 compliance with any applicable continuing education requirements
10 established by the Board and this act. No penalty for late renewal
11 shall be charged to any holder of a license which expires while the
12 holder is in military service, if an application for renewal is made
13 within one (1) year following the service discharge of the holder.

14 B. No licensed electrical apprentice, journeyman or contractor
15 license shall be renewed unless the licensee has completed the
16 required hours of continuing education, as determined and approved
17 by the Committee of Electrical Examiners and approved by the
18 Construction Industries Board. The required hours of continuing
19 education for a licensed electrical apprentice shall be the same as
20 required for a journeyman.

21 C. An apprentice registration certificate or a student intern
22 registration certificate shall be issued for one (1) year, at which
23 time the apprentice may reregister upon meeting the requirements of
24 the Construction Industries Board and paying the renewal fee.

1 SECTION 5. AMENDATORY 59 O.S. 2011, Section 1689, as
2 amended by Section 23, Chapter 313, O.S.L. 2015 (59 O.S. Supp. 2017,
3 Section 1689), is amended to read as follows:

4 Section 1689. A. The Construction Industries Board or its
5 designee and the Committee of Electrical Examiners shall act as the
6 Electrical Hearing Board and shall comply with the provisions of
7 Article II of the Administrative Procedures Act, Section 308a et
8 seq. of Title 75 of the Oklahoma Statutes.

9 B. Any administrative hearing on suspensions, revocations or
10 fines shall be conducted by a hearing examiner appointed by the
11 Board. The hearing examiner's decision shall be a final decision
12 which may be appealed to a district court in accordance with the
13 Administrative Procedures Act.

14 C. The Electrical Hearing Board may, upon its own motion, and
15 shall, upon written complaint filed by any person, investigate the
16 business transactions of any electrical contractor, journeyman
17 electrician or, electrical apprentice, licensed electrical
18 apprentice, student electrical intern or poultry house contractor
19 license. Upon a finding by clear and convincing evidence, the Board
20 shall suspend or revoke any license or registration obtained by
21 false or fraudulent representation. Upon a finding by clear and
22 convincing evidence, the Board shall also suspend or revoke any
23 license or registration for any of the following:
24

1 1. Making a material misstatement in the application for a
2 license or registration, or the renewal of a license or
3 registration;

4 2. Loaning or illegally using a license;

5 3. Demonstrating incompetence to act as a journeyman
6 electrician or electrical contractor;

7 4. Violating any provisions of the Electrical License Act, or
8 any rule or order prescribed by the Board or any ordinance for the
9 installation of electrical facilities made or enacted by a city or
10 town by authority of the Electrical License Act;

11 5. Willfully failing to perform normal business obligations
12 without justifiable cause; or

13 6. Failing to maintain a registration or license as required by
14 law in another state while registered in this state as a nonresident
15 contractor.

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

19 E. Notwithstanding any other provision of law, a political
20 subdivision of this state that has adopted a nationally recognized
21 electrical code and appointed an inspector pursuant to the
22 provisions of Section 1693 of this title or pursuant to the
23 provisions of the Oklahoma Inspectors Act for such work shall have
24 jurisdiction over the interpretation of the code and the

1 installation of all electrical work done in that political
2 subdivision, subject to the provisions of the Oklahoma Inspectors
3 Act. Provided, a state inspector may work directly with an
4 electrical contractor, journeyman electrician ~~or~~, electrical
5 apprentice, licensed electrical apprentice, student or electrical
6 intern in such a locality if a violation of the code creates an
7 immediate threat to life or health.

8 F. In the case of a complaint about, investigation of, or
9 inspection of any license, registration, permit or electrical work
10 in any political subdivision of this state which has not adopted a
11 nationally recognized electrical code and appointed an inspector
12 pursuant to the provisions of Section 1693 of this title or pursuant
13 to the provisions of the Oklahoma Inspectors Act for such work, the
14 Construction Industries Board shall have jurisdiction over such
15 matters.

16 G. 1. No individual, business, company, corporation,
17 association or other entity subject to the provisions of the
18 Electrical License Act shall install, modify or alter electrical
19 facilities in any incorporated area of this state which has not
20 adopted a nationally recognized electrical code and appointed an
21 inspector pursuant to the provisions of Section 1693 of this title
22 or pursuant to the provisions of the Oklahoma Inspectors Act for
23 such work without providing notice of such electrical work to the
24 Construction Industries Board. A notice form for reproduction by an

1 individual or entity required to make such notice shall be provided
2 by the Construction Industries Board upon request.

3 2. Notice to the Construction Industries Board pursuant to this
4 subsection shall not be required for electrical maintenance or
5 replacement of existing electrical appliances or fixtures or of any
6 petroleum refinery or its research facilities.

7 3. Enforcement of this subsection is authorized pursuant to the
8 Electrical License Act, or under authority granted to the
9 Construction Industries Board.

10 SECTION 6. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1699 of Title 59, unless there
12 is created a duplication in numbering, reads as follows:

13 A. As long as a journeyman or electrical contractor is on the
14 job site, no licensed electrical apprentice shall be counted against
15 the maximum number of apprentices who are allowed by law or
16 regulation to work under the supervision of a single journeyman or
17 contractor.

18 B. A licensed electrical apprentice shall not be allowed to
19 supervise a student electrical intern or an electrical apprentice.

20 C. One student electrical intern is allowed to work on a job
21 site under a single journeyman or electrical contractor; provided
22 however, that no such student electrical intern shall be counted
23 against the maximum number of apprentices who are allowed by law or
24

1 regulation to work under the supervision of a single journeyman or
2 contractor.

3 SECTION 7. This act shall become effective November 1, 2018.
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5 COMMITTEE REPORT BY: COMMITTEE ON BANKING AND BUSINESS, dated
6 02/20/2018 - DO PASS.
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