

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1506

By: Bice

6 AS INTRODUCED

7 An Act relating to transferring the Construction
8 Industries Board to the Department of Labor;
9 establishing authority to transfer personnel,
10 committees, records, contracts, obligations,
11 equipment, funds and responsibilities; allowing
12 classified employees to be transferred into
13 unclassified service with consent; providing for
14 classified employees to retain certain status and
15 salary; allowing transferred employees to retain
16 leave and benefits; directing the Office of
17 Management and Enterprise Services to coordinate
18 transfer of employees; transferring certain funds;
19 prohibiting use of transferred funds or property for
20 purposes unrelated to the alarm and locksmith
21 industry; restricting the Construction Industries
22 Board from entering into certain contracts without
23 certain approval; providing for certain board and
24 committee members to retain appointment; transferring
licenses, registrations and certifications; directing
the Office of Management and Enterprise Services to
coordinate transfer of certain funds and financial
obligations; directing transfer to become a division
of the Department of Labor; providing for regulation
of certain statutory acts; construing certain
reference to authority; amending 59 O.S. 2011,
Section 1000.1, as amended by Section 1, Chapter 332,
O.S.L. 2013 (59 O.S. Supp. 2017, Section 1000.1),
which relates to Short title; changing name of
certain act; amending 59 O.S. 2011, Section 1000.2,
as last amended by Section 1, Chapter 157, O.S.L.
2016 (59 O.S. Supp. 2017, Section 1000.2), which
relates to the Construction Industries Board;
clarifying language; adding the Commissioner of Labor
as ex officio member; amending 59 O.S. 2011, Section
1000.3, as amended by Section 3, Chapter 332, O.S.L.

2013 (59 O.S. Supp. 2017, Section 1000.3), which relates to Board meetings; modifying language; amending 59 O.S. 2011, Section 1000.4, as last amended by Section 4, Chapter 332, O.S.L. 2013 (59 O.S. Supp. 2017, Section 1000.4), which relates to powers and duties; authorizing Board to recommend rules; directing the Department of Labor to promulgate certain rules upon certain consideration; directing certain Administrator to continue as Division Director; proscribing certain appeal authority; amending 59 O.S. 2011, Section 1000.5, as amended by Section 5, Chapter 332, O.S.L. 2013 (59 O.S. Supp. 2017, Section 1000.5), which relates to fees; providing for certain fee recommendations; amending 59 O.S. 2011, Section 1000.5a, as amended by Section 6, Chapter 332, O.S.L. 2013 (59 O.S. Supp. 2017, Section 1000.5a), which relates to license reciprocity; modifying language; amending 59 O.S. 2011, Section 1000.5b, as amended by Section 7, Chapter 332, O.S.L. 2013 (59 O.S. Supp. 2017, Section 1000.5b), which relates to temporary licenses; prohibiting certain temporary license until certain condition is meet; amending 59 O.S. 2011, Section 1000.6, which relates to Construction Industries Administrator; changing position to Division Director; directing hire by Commissioner of Labor; providing for continuation of position upon transfer; amending 59 O.S. 2011, Section 1000.9, as amended by Section 8, Chapter 332, O.S.L. 2013 (59 O.S. Supp. 2017, Section 1000.9), which relates to compliance of rules; directing administrative fines to be paid to Department of Labor; allowing civil action to collect fines; requiring written notice prior to revocation for nonpayment of fines; creating the Construction Industries Division of the Department of Labor; providing for certain employees to be employees of the Department of Labor; providing for noncodification; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

1 A. All powers, duties, responsibilities, employees, records and
2 equipment of the Construction Industries Board relating to the
3 regulation of construction industries occupational and professional
4 licenses, registrations and certifications including, but not
5 limited to, The Plumbing License Law of 1955, the Oklahoma Inspector
6 Act, the Electrical License Act, the Mechanical licensing Act, the
7 Home Inspection Licensing Act, and the Roofing Contractor
8 Registration Act, are hereby transferred and shall be placed under
9 the authority of the Department of Labor and the Commissioner of
10 Labor. To the extent practicable, this shall include all computer
11 hardware and software used in regulating the functions listed in
12 this subsection. The Commissioner of Labor and the Office of
13 Management and Enterprise Services may contract for additional legal
14 and administrative services as necessary to effectuate the transfer.

15 B. The Commissioner of Labor and the Construction Industries
16 Board may enter into an agreement for the transfer of personnel
17 exclusively related to the regulation of construction industries
18 under the authority of the Construction Industries Board into the
19 unclassified service under the direction of the Commissioner of
20 Labor. No employee shall be transferred from the Construction
21 Industries Board into the unclassified service under the direction
22 of the Commissioner of Labor except on the freely given written
23 consent of the employee. The classified employees exclusively
24 related to the regulation of construction industries under the

1 authority of the Construction Industries Board and under the Merit
2 System of Personnel Administration who are not transferred into the
3 unclassified service as provided herein shall retain the status in
4 the class occupied by the employee on the effective date of the
5 transfer as allocated by the Office Management and Enterprise
6 Services. The salary of such employee shall not be reduced as a
7 result of such position allocation. Employees who are transferred
8 as provided herein shall not be required to accept a lesser grade or
9 salary than that in effect on the effective date of this act. All
10 employees shall retain leave, sick and annual time earned, and any
11 retirement and longevity benefits which have accrued during their
12 tenure in the classified service. The transfer of personnel shall
13 be coordinated with the Office of Management and Enterprise
14 Services.

15 C. All unexpended funds, property, furnishings, equipment,
16 supplies, records, personnel and outstanding financial obligations
17 and encumbrances relating to the designated transfer of the
18 Construction Industries Board are hereby transferred to the
19 Department of Labor for the continuing performance of duties
20 relating to the Construction Industries Board. No funds, property,
21 furnishings, equipment, supplies, records, or personnel may be
22 expended or used for any purpose other than the performance of
23 duties and responsibilities as directed and required in this act.

24

1 D. All transferred contract personnel and any written contracts
2 or agreements, or portions thereof, relating to any transferred
3 personnel or any right, obligation, responsibility, duty or
4 authority subject to the transfer specified in subsection A of this
5 section shall remain in full force and effect upon transfer.

6 E. The Construction Industries Board shall not enter into any
7 contract or agreement relating to the regulation of construction
8 industries extending beyond the effective date of the transfer
9 without approval by the Commissioner of Labor and the Office of
10 Management and Enterprise Services.

11 F. All board and committee members affected by the transfer
12 provided in subsection A of this section shall retain such
13 selection, appointment, assignment and membership term as provided
14 by law, or any amendments thereto.

15 G. All licenses, registrations, certifications and
16 accreditations subject to the transfer provided in subsection A of
17 this section shall remain in full force and effect upon transfer of
18 the Construction Industries Board to the Department of Labor.

19 H. The Office of Management and Enterprise Services is hereby
20 directed to coordinate the transfer of funds, allotments, purchase
21 orders, and outstanding financial obligations and encumbrances
22 relating to the Construction Industries Board subject to transfer
23 pursuant to the provisions of this act.
24

1 I. Upon transfer to the Department of Labor, the Construction
2 Industries Board, its employees, and its functions, duties and
3 responsibilities shall become a Division of the Department of Labor
4 to be hereinafter called the Construction Industries Division of the
5 Department of Labor. The Board shall continue to regulate The
6 Plumbing License Law of 1955, the Oklahoma Inspector Act, the
7 Electrical License Act, the Mechanical licensing Act, the Home
8 Inspection Licensing Act, and the Roofing Contractor Registration
9 Act, during and following transfer as provided in this act. All
10 references in The Plumbing License Law of 1955, the Oklahoma
11 Inspector Act, the Electrical License Act, the Mechanical licensing
12 Act, the Home Inspection Licensing Act, and the Roofing Contractor
13 Registration Act to the Construction Industries Board or the
14 Construction Industries Board Act, shall be construed to comply with
15 provisions of this act, except where to do so would clearly be
16 contrary to the application of such provision.

17 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1000.1, as
18 amended by Section 1, Chapter 332, O.S.L. 2013 (59 O.S. Supp. 2017,
19 Section 1000.1), is amended to read as follows:

20 Section 1000.1. Sections 1000.1 through 1000.9 of this title
21 shall be known and may be cited as the "Construction Industries
22 ~~Board~~ Act".
23
24

1 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1000.2, as
2 last amended by Section 1, Chapter 157, O.S.L. 2016 (59 O.S. Supp.
3 2017, Section 1000.2), is amended to read as follows:

4 Section 1000.2. A. The Construction Industries Board is hereby
5 re-created to continue until July 1, 2020, in accordance with the
6 provisions of the Oklahoma Sunset Law. The Board shall regulate the
7 plumbing, electrical and mechanical trades, the building and
8 construction inspectors, and the roofing contractors through the
9 powers and duties set forth in the Construction Industries ~~Board~~ Act
10 and in the respective licensing or registration acts for such
11 trades, or as otherwise provided by law.

12 B. 1. ~~Beginning July 1, 2013~~ Notwithstanding any law to the
13 contrary on the effective date of transfer as provided in Section 1
14 of this act, the Board shall continue as established prior to
15 transfer. The Construction Industries Board shall be composed of
16 seven (7) members appointed by the Governor with the advice and
17 consent of the Senate, as follows:

- 18 a. two members shall have at least ten (10) years'
19 experience in the plumbing trade, of which one shall
20 be a plumbing contractor and one shall be a journeyman
21 plumber,
22 b. two members shall have at least ten (10) years'
23 experience in the electrical trade, of which one shall

1 be an electrical contractor and one shall be a
2 journeyman electrician,

3 c. two members shall have at least ten (10) years'
4 experience in the mechanical trade, of which one shall
5 be a mechanical contractor and one shall be a
6 mechanical journeyman, ~~and~~

7 d. one member shall have at least ten (10) years'
8 experience as a building and construction inspector;
9 and

10 e. the Commissioner of the Department of Labor, or
11 designee, shall serve as a non-voting ex officio
12 member beginning on the date of this act.

13 2. Members shall be appointed for staggered terms of four (4)
14 years, as designated by the Governor. Members shall continue in
15 office until a successor is appointed by the Governor. The Governor
16 shall fill all vacancies and unexpired terms in the same manner as
17 the original appointment of the member whose position is to be
18 filled. A member may be removed by the Governor at any time.

19 SECTION 4. AMENDATORY 59 O.S. 2011, Section 1000.3, as
20 amended by Section 3, Chapter 332, O.S.L. 2013 (59 O.S. Supp. 2017,
21 Section 1000.3), is amended to read as follows:

22 Section 1000.3. A. 1. The Construction Industries Board shall
23 organize on September 1 each year, by electing from among its
24 members a chair and a vice-chair. The Board shall hold regularly

1 scheduled meetings at least once each quarter at a time and place
2 determined by the Board and may hold special meetings, emergency
3 meetings, or continued or reconvened meetings as found by the Board
4 to be necessary. A majority of the members of the Board shall
5 constitute a quorum for the transaction of business.

6 2. The chair shall preside at meetings of the Board, set the
7 agenda, sign orders and other required documents, coordinate Board
8 activities, and perform such other duties as may be prescribed by
9 the ~~Board~~ Commissioner of Labor or authorized by law.

10 3. The vice-chair shall perform the duties of the chair during
11 the absence or disability of the chair and shall perform such other
12 duties as may be prescribed by the Board, the Commissioner of Labor
13 or authorized by law.

14 4. The Construction Industries ~~Administrator, at the discretion~~
15 ~~of the Board~~ Division Director of the Department of Labor shall:

- 16 a. keep a record of all proceedings of the Board and
17 certify to actions of the Board,
- 18 b. oversee the receipt and deposit of all monies received
19 by the ~~Board~~ Division in the appropriate revolving
20 funds,
- 21 c. submit, at the first regular meeting of the Board
22 after the end of each fiscal year, a full itemized
23 report of the receipts and disbursements for the prior
24 fiscal year, showing the amount of funds on hand, and

1 d. perform such other duties as are prescribed in the
2 Construction Industries ~~Board~~ Act or as may be
3 prescribed by the Board, Commissioner of Labor or
4 required by law.

5 B. The Board shall act in accordance with the provisions of the
6 Oklahoma Open Meeting Act, the Oklahoma Open Records Act, and the
7 Administrative Procedures Act.

8 C. All members of the Board and such employees as determined by
9 the ~~Board~~ Commissioner of Labor shall be bonded as required by
10 Sections 85.26 through 85.31 of Title 74 of the Oklahoma Statutes.

11 D. The liability of any Board member or employee of the Board
12 acting within the scope of Board duties or employment by the
13 Department of Labor shall be governed by The Governmental Tort
14 Claims Act.

15 E. Members of the Board shall serve without compensation but
16 shall be reimbursed by the Department of Labor for all actual and
17 necessary expenses incurred in the performance of their duties in
18 accordance with the State Travel Reimbursement Act.

19 SECTION 5. AMENDATORY 59 O.S. 2011, Section 1000.4, as
20 last amended by Section 4, Chapter 332, O.S.L. 2013 (59 O.S. Supp.
21 2017, Section 1000.4), is amended to read as follows:

22 Section 1000.4. A. 1. Pursuant to and in compliance with
23 Article I of the Administrative Procedures Act, the Construction
24 Industries Board shall have the power to ~~adopt, amend, repeal, and~~

1 ~~promulgate~~ recommend rules as may be necessary to regulate the
2 plumbing, electrical and mechanical trades, building and
3 construction inspectors and home inspectors. All rules recommended
4 by the Board and promulgated by the ~~Board~~ Department of Labor shall
5 be reviewed and approved as provided in subsection F of Section 308
6 of Title 75 of the Oklahoma Statutes. The Department of Labor shall
7 promulgate rules for the Construction Industries Division upon
8 consideration of the recommendations of the Board.

9 2. The Board shall have the power to enforce the provisions of
10 the Construction Industries ~~Board~~ Act, The Plumbing License Law of
11 1955, the Oklahoma Inspectors Act, the Electrical License Act, the
12 Mechanical Licensing Act, the Home Inspection Licensing Act, and the
13 Roofing Contractor Registration Act, as provided in the respective
14 acts or as authorized by law.

15 B. The Board shall have the following powers:

16 1. Exercise all incidental powers and duties which are
17 necessary to effectuate the provisions of The Plumbing License Law
18 of 1955, the Oklahoma Inspectors Act, the Electrical License Act,
19 the Mechanical Licensing Act, and the Home Inspection Licensing Act;

20 2. Serve as a code variance and appeals board for the trades
21 and industries it regulates which do not have statutory code
22 variance and appeals boards;

23 3. Order or subpoena the attendance of witnesses, the
24 inspection of records and premises, and the production of relevant

1 books and papers for the investigation of matters that may come
2 before the Board through the Department of Labor;

3 4. Initiate disciplinary proceedings, request prosecution of
4 and initiate injunctive proceedings against any person who violates
5 any of the provisions of the Plumbing License Law of 1955, the
6 Oklahoma Inspectors Act, the Electrical License Act, the Mechanical
7 Licensing Act, ~~and~~ the Home Inspection Licensing Act, and the
8 Roofing Contractor Registration Act;

9 5. ~~Maintain~~ Be supported by an administrative staff assigned by
10 the Department of Labor including, but not limited to, a
11 Construction Industries ~~Administrator~~ Division Director whose
12 appointment shall be made as provided in Section 1000.6 of this
13 title. The current acting Administrator of the Construction
14 Industries Board shall continue to act in such position upon
15 transfer to the Department of Labor as the Division Director;

16 6. ~~Establish~~ Recommend and levy administrative fines for
17 violations of law or rule in the trades and industries the Board
18 licenses or regulates or against any person or entity denying the
19 Department of Labor, Board or its representatives access to a job
20 site for purposes of enforcing any of the provisions of the Plumbing
21 License Law of 1955, the Oklahoma Inspectors Act, the Electrical
22 License Act, and the Mechanical Licensing Act, or the Roofing
23 Contractor Registration Act; provided, however, the Board is not
24 authorized to inspect or issue administrative violations or fines

1 for public utilities, public service corporations, intrastate gas
2 pipeline companies, gas gathering pipeline companies, gas processing
3 companies, rural electric associations, municipal utilities or their
4 subsidiaries, chemical plants, gas processing plants or petroleum
5 refineries where the entity uses their employees or contractors to
6 work on their own facilities or equipment;

7 7. ~~Direct such other~~ Request expenditures as may be necessary
8 in the performance of its duties including, but not limited to,
9 expenditures for office space, equipment, furnishings and contracts
10 for legal services. All expenditures shall be made pursuant to the
11 Oklahoma Central Purchasing Act upon approval of the Commissioner of
12 Labor; and

13 8. Enforce provisions of the plumbing, electrical and
14 mechanical codes as adopted by the Oklahoma Uniform Building Code
15 Commission pursuant to the Oklahoma Uniform Building Code Commission
16 Act.

17 C. The ~~Board~~ Department of Labor shall account for all receipts
18 and expenditures of the monies ~~of~~ by the Board and the Construction
19 Industries Division, including annually preparing and publishing a
20 statement of receipts and expenditures ~~of~~ by the Board for each
21 fiscal year. The ~~Board's~~ annual statement of receipts and
22 expenditures required by this subsection shall be audited by the
23 State Auditor and Inspector or an independent accounting firm in
24 accordance with the provisions of subsection B of Section 212 of

1 Title 74 of the Oklahoma Statutes, and the audit report shall be
2 certified to the Governor of this state to be true and correct,
3 under oath, by the chair and vice-chair of the Board. A copy of
4 such certified report shall be delivered to the chairs of the
5 respective Senate and House of Representatives Committees having
6 authority over matters relating to business, labor and construction
7 industry licensing or regulation not later than February 1 each
8 year.

9 D. The ~~Board~~ Construction Industries Division shall account for
10 all fines, penalties and fees assessed and collected pursuant to the
11 Administrative Procedures Act or any rule promulgated for regulation
12 of any industry and trade under the authority of the Construction
13 Industries Board or the Construction Industries Division of the
14 Department of Labor. All fines, penalties and fees assessed for any
15 violation of law or rule shall be automatically reviewed and brought
16 before the entire Board for consideration and vote not later than
17 the last day of the monthly quarter in which it was imposed. The
18 Director of the Construction Industries ~~Administrator~~ Division shall
19 present to the Board a written recommendation and summary for each
20 case in which an assessment of a fine, penalty or fee was imposed
21 after administrative proceedings. The Board shall consider the
22 recommendations for each case at the next meeting date and at such
23 meeting shall either vote to affirm the recommendations or vote to
24 deny the recommendations and remand the case for further

1 administrative hearing, with or without instructions. No
2 administrative case shall be delayed or continued by the Board after
3 being placed on an agenda for final Board review, except with the
4 consent of all parties. The licensee or persons affected by the
5 imposition of an administrative fine, penalty or fee on final review
6 by the Board shall have all rights of appeal preserved pursuant to
7 the Administrative Procedures Act until final action by the Board.

8 E. The Construction Industries Board shall hear all appeals
9 timely made from an administrative ruling relating to an industry
10 and trade regulated by the Board; however, this appeal authority
11 shall not be in addition to the appeal process authorized by the
12 Administrative Procedures Act. Any ruling by the Board from an
13 administrative hearing may be further appealed to the district court
14 of Oklahoma County. The district court, upon conclusion of an
15 appeal from a Board ruling, shall be authorized to award reasonable
16 legal fees to the prevailing party.

17 F. The Department of Labor and the Commissioner of Labor shall
18 not have appeal authority from any administrative ruling of the
19 Board relating to an industry or trade regulated by the Board.

20 SECTION 6. AMENDATORY 59 O.S. 2011, Section 1000.5, as
21 amended by Section 5, Chapter 332, O.S.L. 2013 (59 O.S. Supp. 2017,
22 Section 1000.5), is amended to read as follows:

23 Section 1000.5. A. The Construction Industries Board may
24 recommend a system of fees to the Department of Labor who may

1 establish a system of fees by rule to be charged for the application
2 for licenses, for the issuance and renewal of licenses and permits,
3 for administration of examinations, for formal project reviews and
4 dishonored checks under the Board's authority. This provision is
5 subject to the following limitations:

6 1. No schedule of fees may be established or amended ~~by the~~
7 ~~Board~~ except during such times as the Legislature is in session;
8 provided, the ~~Board~~ Department of Labor may establish or amend a
9 schedule of fees at a time when the Legislature is not in session if
10 the fees or schedule of fees has been specifically authorized by the
11 Legislature pursuant to paragraph 2 of this subsection. The ~~Board~~
12 Department must follow the procedures required by Article I of the
13 Administrative Procedures Act for adoption of rules in establishing
14 or amending any such schedule of fees; and

15 2. The ~~Board~~ Construction Industries Division of the Department
16 of Labor shall charge fees only within the following ranges, except
17 as may be otherwise specified in this section or another provision
18 of law.

19	For application for license	not to exceed \$30.00
20	For administration of license	
21	examinations:	not to exceed \$200.00
22	For license or permit issuance:	not to exceed \$300.00
23	For license or permit renewal:	not to exceed \$200.00

24

1 For formal project review for
2 code conformance: not to exceed \$200.00
3 For permit issuance for the use
4 of alternative materials or
5 methods: not to exceed \$50.00
6 For dishonored checks: not to exceed amount
7 pursuant to the
8 provisions of Section
9 1121 of Title 47 of the
10 Oklahoma Statutes.

11 B. The ~~Board~~ Construction Industries Division shall base its
12 schedule of fees upon the reasonable costs of review and inspection
13 services rendered in connection with each license, permit, or
14 review, but shall be within the ranges specified in paragraph 2 of
15 subsection A of this section, except as otherwise specified in this
16 section or provided by law. The Board shall establish a system of
17 training for all personnel who render review and inspection services
18 in order to assure uniform statewide application of rules. The
19 ~~Board~~ Department of Labor shall include the reasonable costs
20 associated with such training in the fees provided for in this
21 section.

22 C. The ~~Board~~ Construction Industries Division may exempt by
23 rule any class of licensee or permittee from the requirements of the
24 fee schedule if the Board determines that the creation of such a

1 schedule for any such class would create an unreasonable economic
2 hardship.

3 D. All fee changes adopted by ~~the Board~~ rule shall be reviewed
4 and approved as provided in subsection F of Section 308 of Title 75
5 of the Oklahoma Statutes.

6 E. Unless otherwise provided, licenses and permits issued by
7 the Construction Industries ~~Board~~ Division shall be for a one-year
8 period.

9 F. When, at the time of application or renewal of any license
10 or registration, payment is made by check for fees and the check is
11 not paid by the bank on which drawn for any reason, such license or
12 registration issued at that time shall be invalid. In all such
13 cases, the license or registration shall be subject to the license
14 or registration fees and penalties provided in subsection A of this
15 section and treated as though no attempt to apply for or renew a
16 license or registration had been made. The ~~Board~~ Construction
17 Industries Division may charge and collect from the licensee,
18 registrant or other obligor of fees or fines, a fee for each return
19 by a bank or other depository institution of a dishonored check,
20 negotiable order of withdrawal or share draft issued by the
21 licensee, registrant or other obligor.

22 SECTION 7. AMENDATORY 59 O.S. 2011, Section 1000.5a, as
23 amended by Section 6, Chapter 332, O.S.L. 2013 (59 O.S. Supp. 2017,
24 Section 1000.5a), is amended to read as follows:

1 Section 1000.5a. A. Except as otherwise provided by law, by
2 way of reciprocity and without examination, an application for any
3 license issued by any committee or board under the authority of the
4 Construction Industries Board to engage in any work or trade in this
5 state subject to the Board's regulatory authority may be made to the
6 Board or Construction Industries Division Director in writing on a
7 form and in a manner prescribed by the ~~Board~~ Department of Labor.
8 The application shall be accompanied by a fee pursuant to Section
9 1000.5 of this title, which shall not be refundable under any
10 circumstances. If the application is disapproved by the Board or
11 Division Director, it shall be returned to the applicant with the
12 reason for its disapproval stated thereon.

13 B. The Board may, in its discretion, issue a license by
14 reciprocity to an applicant who is currently licensed to practice an
15 applicable trade in another state, country, territory, province or
16 city outside of the State of Oklahoma, upon a satisfactory showing
17 of the following:

18 1. That the requirements for licensure in the city, state,
19 country, territory or province in which the applicant is licensed
20 are deemed by the Board to be substantially the same or equivalent
21 to the requirements for obtaining an original license by examination
22 in force in this state at the date of such license;

23 2. That one (1) year immediately prior to the date of payment
24 of the required fee the applicant lawfully practiced an applicable

1 trade within and under the laws of city, state, country, territory
2 or province pursuant to a license issued thereby authorizing such
3 practice;

4 3. That no disciplinary matters are pending against the
5 applicant in any city, state, country, territory or province, and
6 relating to the applicable trade in which the applicant seeks
7 reciprocity;

8 4. That the license being reciprocated was obtained by
9 examination in the city, state, country, territory or province
10 wherein it was issued; and

11 5. That the applicant meets all other requirements of the
12 Construction Industries Board Act, including payment of the
13 applicable license fee.

14 SECTION 8. AMENDATORY 59 O.S. 2011, Section 1000.5b, as
15 amended by Section 7, Chapter 332, O.S.L. 2013 (59 O.S. Supp. 2017,
16 Section 1000.5b), is amended to read as follows:

17 Section 1000.5b. A. The Construction Industries Board or the
18 Construction Industries Division shall offer examinations for
19 temporary journeyman plumber, temporary journeyman electrician, and
20 temporary mechanical journeyman at least once every thirty (30) days
21 following a declaration by the Governor of this state of a state of
22 emergency in response to a disaster involving the destruction of
23 dwelling units and shall continue do so for at least six (6) months
24 following the declaration.

1 B. The temporary journeyman examinations shall be neither less
2 stringent nor more stringent than examinations for regular
3 journeyman licenses in this state.

4 C. No applicant for any temporary journeyman license shall be
5 allowed more than one opportunity to take the temporary journeyman
6 examination.

7 D. No temporary journeyman license shall be extended or
8 renewed. Upon expiration of the temporary journeyman license, the
9 license holder shall be ineligible to work as a journeyman in this
10 state unless qualified under other provisions of law.

11 E. The temporary license shall be distinguishable from the
12 regularly issued license.

13 F. The Construction Industries Board shall not approve and the
14 Construction Industries Division shall not issue a temporary license
15 until the person demonstrates compliance with the requirements of
16 Section 1701 et seq. of Title 68 of the Oklahoma Statutes.

17 SECTION 9. AMENDATORY 59 O.S. 2011, Section 1000.6, is
18 amended to read as follows:

19 Section 1000.6. A. ~~No later than January 1, 2002, and~~
20 ~~thereafter, each~~ Each time the position of Construction Industries
21 Division Director becomes vacant, the ~~Construction Industries Board~~
22 Commissioner of Labor shall hire a ~~Construction Industries~~
23 ~~Administrator. The Construction Industries Board may, upon a~~

1 ~~majority vote, terminate the employment of the Construction~~
2 ~~Industries Administrator~~ Director.

3 B. The Construction Industries ~~Administrator~~ Division Director
4 shall assist the Construction Industries Board in the performance of
5 its duties and shall report directly to the ~~Board~~ Commissioner of
6 Labor. During and following transfer of the Construction Industries
7 Board as provided in Section 1 of this act, the current acting
8 Administrator shall become the Construction Industries Division
9 Director in the Department of Labor.

10 SECTION 10. AMENDATORY 59 O.S. 2011, Section 1000.9, as
11 amended by Section 8, Chapter 332, O.S.L. 2013 (59 O.S. Supp. 2017,
12 Section 1000.9), is amended to read as follows:

13 Section 1000.9. A. In addition to any other remedies provided
14 for by law, the Construction Industries Board or the Commissioner of
15 Labor may issue a written order to any person or entity whom the
16 Board has reason to believe is in violation of, or has violated, any
17 law which the Board has authority to enforce or the standards or
18 rules promulgated by the ~~Board~~ Department of Labor, and to whom the
19 Board has served, no less than fifteen (15) days previously, a
20 written notice of violation. The fifteen-day notice period may be
21 reduced as, in the opinion of the Board, may be necessary to render
22 the order reasonably effectual.

23 B. The written order may require immediate compliance with the
24 law or the standards or rules promulgated by the ~~Board~~ Department of

1 Labor, or within a specified time period, or both. The order may
2 also assess an administrative fine for each day or part of a day
3 that such person fails to comply with the order.

4 C. Any order issued pursuant to this section shall state with
5 specificity the nature of the violation. Any penalty assessed in
6 the order shall not exceed One Thousand Dollars (\$1,000.00) per day
7 of noncompliance with the order. In assessing such penalty, the
8 Board shall consider the seriousness of the violation and any
9 efforts to comply with applicable requirements.

10 D. Any order issued pursuant to the provisions of this section
11 shall become a final order unless, no later than fifteen (15) days
12 after the order is served, the person or persons named therein
13 request an administrative hearing. Upon such request, the Board
14 shall promptly conduct a hearing. The Board may dismiss such
15 proceedings when compliance with the order is demonstrated and all
16 assessed fines, whether negotiated or not, are paid. A final order
17 following a hearing determining a violation occurred shall assess an
18 administrative fine based upon consideration of the evidence and as
19 allowed by law or rule.

20 E. Such orders and hearings are subject to the Administrative
21 Procedures Act.

22 F. All administrative fines shall be paid to the Construction
23 Industries Division of the Department of Labor. The Department of
24 Labor is authorized to commence civil action to collect an unpaid

1 administrative fine or to revoke a license or deny an application
2 for licensure upon failure to pay an administrative fine; provided,
3 written notice of such revocation shall be given to the person's
4 last known address at least ten (10) days prior to the date of
5 revocation.

6 SECTION 11. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 1000.8 of Title 59, unless there
8 is created a duplication in numbering, reads as follows:

9 There is hereby created within the Department of Labor the
10 Construction Industries Division upon the transfer of the employees,
11 functions, duties and responsibilities of the Construction
12 Industries Board and the Construction Industries Board Act on the
13 effective date of this act as provided in Section 1 of this act.
14 All employees shall be deemed employees of the Department of Labor
15 and all salaries, benefits and operating expenses of the Division
16 shall be paid from the revenues collected for The Plumbing License
17 Law of 1955, the Oklahoma Inspector Act, the Electrical License Act,
18 the Mechanical licensing Act, the Home Inspection Licensing Act, and
19 the Roofing Contractor Registration Act as determined by the
20 Commissioner of Labor.

21 SECTION 12. This act shall become effective January 1, 2019.
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