

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 1412

By: Osburn (Mike)

AS INTRODUCED

An Act relating to professions and occupations; creating the Real Estate Owner's Rights Act; making certain matter of statewide concern; establishing certain rights of property owners; granting right for construction and repairs; requiring certain permits and inspections; construing requirement to hire licensed persons under certain condition; authorizing certain assistance to property owner without licensure; amending 59 O.S. 2011, Sections 1017 and 1692, which relate to plumbing and electrical licensures; providing exception to licensures of certain property owners; providing an exception to mechanical licensure; 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 to be codified in the Oklahoma Statutes as Section 858-1000 of Title 59, unless there is created a duplication in numbering, reads as follows:

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

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

4       As a matter of statewide concern, an owner of real property in  
5 this state has the following rights:

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

- 17           a. obtain all applicable state and local permits and  
18           inspections to satisfy the state and local building  
19           code requirements, if any,
- 20           b. obtain the services of a qualified professional or  
21           obtain applicable authority when working directly  
22           with, connecting to or disconnecting from any public  
23           utility system, public service corporation system or  
24           any utility metering device or equipment, and

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

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

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

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

21         Section 1017.   The provisions of The Plumbing License Law of  
22    1955 shall not apply to:

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

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

3        3. Maintenance work for state institutions and school  
4 districts;

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

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

19           a. heating, except radiant-floor heating systems as  
20           defined in subparagraph d of paragraph 9 of Section  
21           1003 of this title,

22           b. cooling,

23           c. air conditioning,

24           d. refrigeration, or

1 e. boilers and other pressure vessels of whatsoever kind  
2 and character.

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

18 6. An individual who performs plumbing work on ~~such~~  
19 ~~individual's~~ residential or farm property of residence owned by the  
20 individual or an owner who performs plumbing work on his or her  
21 property with the assistance of his or her family members,  
22 relatives, employees or other associates as authorized by the Real  
23 Estate Owner's Rights Act.  
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SECTION 4. AMENDATORY 59 O.S. 2011, Section 1692, is amended to read as follows:

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

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

2. Maintenance work for state and federal institutions;

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

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

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

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

1 B. Nothing in the Electrical License Act shall be construed to  
2 require:

3 1. Employment of a licensed electrical contractor, journeyman  
4 electrician or electrical apprentice except as required by local  
5 ordinances and resolutions;

6 2. Any regular employee of any firm or corporation to hold a  
7 license before doing any electrical work on the property of the firm  
8 or corporation whether or not the property is owned, leased or  
9 rented except as may be required by local ordinances and  
10 resolutions; or

11 3. An individual to hold a license before doing electrical work  
12 on his or her own property or residence ~~except as may be required by~~  
13 ~~local ordinances and resolutions~~ or an owner who performs electrical  
14 work on his or her property or residence with the assistance of his  
15 or her family members, relatives, employees or other associates as  
16 authorized by the Real Estate Owner's Rights Act.

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

20 The provisions of the Mechanical Licensing Act shall not apply  
21 to an individual who performs mechanical work on residential or farm  
22 property owned by such individual or an owner of property who  
23 performs mechanical work with the assistance of his or her family  
24

1 members, relatives, employees or other associates as authorized by  
2 the Real Estate Owner's Rights Act.

3 SECTION 6. This act shall become effective November 1, 2017.  
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