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February 27, 2020

AS AMENDED

SENATE BILL NO. 1649

By: Daniels

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[ electricians - Electrical License Act - certain
license and certification - codification - effective
date ]
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 2011, Section 1682, as amended by Section 1, Chapter 17, O.S.L. 2018 (59 O.S. Supp. 2019, Section 1682), is amended to read as follows:

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

1. "Board" means the Construction Industries Board;

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

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

4. "Journeyman electrician" means any person other than an electrical contractor who engages in the actual installation,

1 alteration, repair or renovation of electrical facilities or
2 electrical construction work unless specifically exempted by the
3 provisions of the Electrical License Act;

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

15 6. "Electrical facilities" means all wiring, fixtures,
16 appurtenances, and appliances for, and in connection with, a supply
17 of electricity within or adjacent to any building, structure or
18 conveyance on the premises but not including the connection with a
19 power supply meter or other power supply source;

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

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

5 9. "Variance and Appeals Board" means the Oklahoma State
6 Electrical Installation Code Variance and Appeals Board;

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

22 11. "Electrical work" means work consisting primarily of the
23 layout, installation, maintenance, repair, testing or replacement of
24 all or part of electrical wires, conduits, apparatus, fixtures,

1 appliances or equipment for transmitting, carrying, controlling or
2 using electricity in, on, outside or attached to a building,
3 structure, property or premises. Electrical work shall not mean
4 work that is related to or facilitates the construction,
5 installation or maintenance of all or part of an electrical system,
6 but which does not involve actual work with any of the electrical
7 components provided in this definition;

8 12. "Student electrical intern" means any person sixteen (16)
9 years of age or older who complies with the requirements for
10 registration under Section 1686 of this title; and

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

15 B. Class 2 and Class 3 circuits shall be exempt from the
16 requirements of electrical licensing of either an electrical
17 contractor or a journeyman electrician, provided the work is
18 performed in accordance with the National Fire Protection
19 Association 70 requirements for Class 2 and Class 3 circuits.

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

22 Section 1685. A. The Construction Industries Board shall issue
23 a license as journeyman electrician or electrical contractor to any
24 person who:

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

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

8 3. Has, when required by the Board, provided such documents,
9 statements or other information as may be necessary to submit to a
10 national criminal history record check as defined by Section 150.9
11 of Title 74 of the Oklahoma Statutes.

12 B. The Construction Industries Board shall issue a license as a
13 listed electrical apprentice to any person who has been certified by
14 the Committee of Electrical Examiners as having ten thousand
15 (10,000) or more verifiable hours of experience as an electrical
16 apprentice and who has paid the license fee and otherwise complied
17 with the provisions of the Electrical License Act. The fee for
18 licensure as a listed electrical apprentice shall be the same as for
19 registration of electrical apprentices.

20 C. All licenses shall be nontransferable and it shall be a
21 misdemeanor for any person licensed under the provisions of the
22 Electrical License Act to loan or allow the use of such license by
23 any other person, firm or corporation, except as specifically
24 provided in the Electrical License Act.

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

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

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

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

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

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

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

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

C. All applications for examination, license or renewal of license shall be made in writing to the Board on forms provided, if

1 necessary, by the Board. All applications shall be accompanied by
2 the appropriate fee.

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

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

10 Section 1688. A. No license shall be issued for longer than
11 one (1) year, and all licenses shall expire on the last day in the
12 birth month of the licensee. A license may be renewed upon
13 application and payment of fees thirty (30) days preceding or
14 following the date the license is due. Licenses renewed more than
15 thirty (30) days following the date of expiration may be renewed
16 only upon application and payment of all required fees and payment
17 of any penalty for late renewal established by the Board and upon
18 compliance with any applicable continuing education requirements
19 established by the Board and ~~this act~~ the Electrical License Act.
20 No penalty for late renewal shall be charged to any holder of a
21 license which expires while the holder is in military service, if an
22 application for renewal is made within one (1) year following the
23 service discharge of the holder.
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1 B. No listed electrical apprentice, journeyman or contractor
2 license shall be renewed unless the licensee has completed the
3 required hours of continuing education, as determined and approved
4 by the Committee of Electrical Examiners and approved by the
5 Construction Industries Board. The required hours of continuing
6 education for a listed electrical apprentice shall be the same as
7 required for a journeyman.

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

12 SECTION 5. AMENDATORY 59 O.S. 2011, Section 1689, as
13 amended by Section 23, Chapter 313, O.S.L. 2015 (59 O.S. Supp. 2019,
14 Section 1689), is amended to read as follows:

15 Section 1689. A. The Construction Industries Board or its
16 designee and the Committee of Electrical Examiners shall act as the
17 Electrical Hearing Board and shall comply with the provisions of
18 Article II of the Administrative Procedures Act, Section 308a et
19 seq. of Title 75 of the Oklahoma Statutes.

20 B. Any administrative hearing on suspensions, revocations or
21 fines shall be conducted by a hearing examiner appointed by the
22 Board. The hearing examiner's decision shall be a final decision
23 which may be appealed to a district court in accordance with the
24 Administrative Procedures Act.

1 C. The Electrical Hearing Board may, upon its own motion, and
2 shall, upon written complaint filed by any person, investigate the
3 business transactions of any electrical contractor, journeyman
4 electrician or, electrical apprentice, listed electrical apprentice,
5 student electrical intern or poultry house contractor license. Upon
6 a finding by clear and convincing evidence, the Board shall suspend
7 or revoke any license or registration obtained by false or
8 fraudulent representation. Upon a finding by clear and convincing
9 evidence, the Board shall also suspend or revoke any license or
10 registration for any of the following:

11 1. Making a material misstatement in the application for a
12 license or registration, or the renewal of a license or
13 registration;

14 2. Loaning or illegally using a license;

15 3. Demonstrating incompetence to act as a journeyman
16 electrician or electrical contractor;

17 4. Violating any provisions of the Electrical License Act, or
18 any rule or order prescribed by the Board or any ordinance for the
19 installation of electrical facilities made or enacted by a city or
20 town by authority of the Electrical License Act;

21 5. Willfully failing to perform normal business obligations
22 without justifiable cause; or
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1 6. Failing to maintain a registration or license as required by
2 law in another state while registered in this state as a nonresident
3 contractor.

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

7 E. Notwithstanding any other provision of law, a political
8 subdivision of this state that has adopted a nationally recognized
9 electrical code and appointed an inspector pursuant to the
10 provisions of Section 1693 of this title or pursuant to the
11 provisions of the Oklahoma Inspectors Act for such work shall have
12 jurisdiction over the interpretation of the code and the
13 installation of all electrical work done in that political
14 subdivision, subject to the provisions of the Oklahoma Inspectors
15 Act. Provided, a state inspector may work directly with an
16 electrical contractor, journeyman electrician or electrical
17 apprentice, listed electrical apprentice, student or electrical
18 intern in such a locality if a violation of the code creates an
19 immediate threat to life or health.

20 F. In the case of a complaint about, investigation of, or
21 inspection of any license, registration, permit or electrical work
22 in any political subdivision of this state which has not adopted a
23 nationally recognized electrical code and appointed an inspector
24 pursuant to the provisions of Section 1693 of this title or pursuant

1 to the provisions of the Oklahoma Inspectors Act for such work, the
2 Construction Industries Board shall have jurisdiction over such
3 matters.

4 G. 1. No individual, business, company, corporation,
5 association or other entity subject to the provisions of the
6 Electrical License Act shall install, modify or alter electrical
7 facilities in any incorporated area of this state which has not
8 adopted a nationally recognized electrical code and appointed an
9 inspector pursuant to the provisions of Section 1693 of this title
10 or pursuant to the provisions of the Oklahoma Inspectors Act for
11 such work without providing notice of such electrical work to the
12 Construction Industries Board. A notice form for reproduction by an
13 individual or entity required to make such notice shall be provided
14 by the Construction Industries Board upon request.

15 2. Notice to the Construction Industries Board pursuant to this
16 subsection shall not be required for electrical maintenance or
17 replacement of existing electrical appliances or fixtures or of any
18 petroleum refinery or its research facilities.

19 3. Enforcement of this subsection is authorized pursuant to the
20 Electrical License Act, or under authority granted to the
21 Construction Industries Board.

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

1 A. As long as a journeyman or electrical contractor is on the
2 job site, no listed electrical apprentice shall be counted against
3 the maximum number of apprentices who are allowed by law or
4 regulation to work under the supervision of a single journeyman or
5 contractor.

6 B. A listed electrical apprentice shall not be allowed to
7 supervise a student electrical intern or an electrical apprentice.

8 C. One student electrical intern is allowed to work on a job
9 site under a single journeyman or electrical contractor; provided,
10 however, that no such student electrical intern shall be counted
11 against the maximum number of apprentices who are allowed by law or
12 regulation to work under the supervision of a single journeyman or
13 contractor.

14 D. Two listed electrical apprentices are allowed to work on a
15 job site under a single journeyman or electrical contractor;
16 provided, however, that no such listed electrical apprentice shall
17 be counted against the maximum number of apprentices who are allowed
18 by law or regulation to work under the supervision of a single
19 journeyman or contractor.

20 SECTION 7. This act shall become effective November 1, 2020.

21 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
22 February 27, 2020 - DO PASS AS AMENDED
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