

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1649

By: Daniels

AS INTRODUCED

An Act relating to electricians; amending 59 O.S. 2011, Sections 1682, as amended by Section 1, Chapter 17, O.S.L. 2018, 1685, 1686, 1688 and 1689, as amended by Section 23, Chapter 313, O.S.L. 2015 (59 O.S. Supp. 2019, Sections 1682 and 1689), which relates to the Electrical License Act; adding definitions; authorizing the Construction Industries Board to issue certain license and certification; stating qualifications for certification; stating fee for licensure; requiring hours of continuing education; modifying investigation powers of the Board; providing for supervisory authority for certain electricians; updating statutory reference; providing for codification; and providing an effective date.

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;

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
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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;

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; ~~and~~

4 11. "Electrical work" means work consisting primarily of the
5 layout, installation, maintenance, repair, testing or replacement of
6 all or part of electrical wires, conduits, apparatus, fixtures,
7 appliances or equipment for transmitting, carrying, controlling or
8 using electricity in, on, outside or attached to a building,
9 structure, property or premises. Electrical work shall not mean
10 work that is related to or facilitates the construction,
11 installation or maintenance of all or part of an electrical system,
12 but which does not involve actual work with any of the electrical
13 components provided in this definition;

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

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

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

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

5 Section 1685. A. The Construction Industries Board shall issue
6 a license as journeyman electrician or electrical contractor to any
7 person who:

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

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

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

19 B. The Construction Industries Board shall issue a license as a
20 listed electrical apprentice to any person who has been certified by
21 the Committee of Electrical Examiners as having ten thousand
22 (10,000) or more verifiable hours of experience as an electrical
23 apprentice and who has paid the license fee and otherwise complied
24 with the provisions of the Electrical License Act. The fee for

1 licensure as a listed electrical apprentice shall be the same as for
2 registration of electrical apprentices.

3 C. All licenses shall be nontransferable and it shall be a
4 misdemeanor for any person licensed under the provisions of the
5 Electrical License Act to loan or allow the use of such license by
6 any other person, firm or corporation, except as specifically
7 provided in the Electrical License Act.

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

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

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

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

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

23 1. Sixteen (16) years of age or older; and
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1 2. Enrolled in high school and enrolled in a work-ready or
2 similar program recognized by the Board.

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

6 C. All applications for examination, license or renewal of
7 license shall be made in writing to the Board on forms provided, if
8 necessary, by the Board. All applications shall be accompanied by
9 the appropriate fee.

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

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

17 Section 1688. A. No license shall be issued for longer than
18 one (1) year, and all licenses shall expire on the last day in the
19 birth month of the licensee. A license may be renewed upon
20 application and payment of fees thirty (30) days preceding or
21 following the date the license is due. Licenses renewed more than
22 thirty (30) days following the date of expiration may be renewed
23 only upon application and payment of all required fees and payment
24 of any penalty for late renewal established by the Board and upon

1 compliance with any applicable continuing education requirements
2 established by the Board and ~~this act~~ the Electrical License Act.
3 No penalty for late renewal shall be charged to any holder of a
4 license which expires while the holder is in military service, if an
5 application for renewal is made within one (1) year following the
6 service discharge of the holder.

7 B. No listed electrical apprentice, journeyman or contractor
8 license shall be renewed unless the licensee has completed the
9 required hours of continuing education, as determined and approved
10 by the Committee of Electrical Examiners and approved by the
11 Construction Industries Board. The required hours of continuing
12 education for a listed electrical apprentice shall be the same as
13 required for a journeyman.

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

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

21 Section 1689. A. The Construction Industries Board or its
22 designee and the Committee of Electrical Examiners shall act as the
23 Electrical Hearing Board and shall comply with the provisions of
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1 Article II of the Administrative Procedures Act, Section 308a et
2 seq. of Title 75 of the Oklahoma Statutes.

3 B. Any administrative hearing on suspensions, revocations or
4 fines shall be conducted by a hearing examiner appointed by the
5 Board. The hearing examiner's decision shall be a final decision
6 which may be appealed to a district court in accordance with the
7 Administrative Procedures Act.

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

18 1. Making a material misstatement in the application for a
19 license or registration, or the renewal of a license or
20 registration;

21 2. Loaning or illegally using a license;

22 3. Demonstrating incompetence to act as a journeyman
23 electrician or electrical contractor;

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

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

7 6. Failing to maintain a registration or license as required by
8 law in another state while registered in this state as a nonresident
9 contractor.

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

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

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

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

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

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

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

9 A. As long as a journeyman or electrical contractor is on the
10 job site, no listed electrical apprentice shall be counted against
11 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 B. A listed electrical apprentice shall not be allowed to
15 supervise a student electrical intern or an electrical apprentice.

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

22 D. Two listed electrical apprentices are allowed to work on a
23 job site under a single journeyman or electrical contractor;
24 provided, however, that no such listed electrical apprentice shall

1 be counted against the maximum number of apprentices who are allowed
2 by law or regulation to work under the supervision of a single
3 journeyman or contractor.

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

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