

1 **SENATE FLOOR VERSION**

2 February 18, 2016

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 200

6 By: Justice

7 **[ Department of Labor - Boiler and Pressure Vessel**  
8 **Safety Act - fees - elevator inspector - Commissioner**  
9 **of Labor - Department of Labor Administrative Penalty**  
10 **Revolving Fund - codification - effective date ]**

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

12 SECTION 1. AMENDATORY 40 O.S. 2011, Section 141.13, is  
13 amended to read as follows:

14 Section 141.13. A. The Commissioner of Labor or the chief  
15 boiler inspector, or any deputy inspector, shall have free access,  
16 during reasonable hours, to any premises in the state where a boiler  
17 or pressure vessel is being constructed for use in, or is being  
18 installed in this state for the purpose of ascertaining whether such  
19 boiler or pressure vessel is being constructed and installed in  
20 accordance with the provisions of the Boiler and Pressure Vessel  
21 Safety Act.

22 B. Each boiler and pressure vessel covered by the Boiler and  
23 Pressure Vessel Safety Act shall be thoroughly inspected as to its  
24 construction, installation and condition as follows:

1           1. Power boilers and high pressure high temperature water  
2 boilers shall receive an inspection annually which shall be an  
3 internal inspection where construction permits; otherwise it shall  
4 be as complete an inspection as possible. Such boilers shall also  
5 be externally inspected annually preferably while under pressure;

6           2. Low pressure steam or vapor heating boilers shall receive an  
7 external inspection annually with an internal inspection at least  
8 every two (2) years where construction permits;

9           3. Hot water heating and hot water supply boilers shall receive  
10 an external inspection annually with an internal inspection at the  
11 discretion of the inspector;

12           4. Pressure vessels, excluding those within the scope of the  
13 American Petroleum Institute Pressure Vessel Inspection Code,  
14 subject to internal corrosion and waste heat steam generators shall  
15 receive an internal inspection triennially where construction  
16 permits. Pressure vessels not subject to internal corrosion shall  
17 receive an inspection at intervals set by the Commissioner.  
18 Frequency of external inspections of pressure vessels shall be set  
19 by the Commissioner;

20           5. A grace period of two (2) months beyond the periods  
21 specified in paragraphs 1, 2, 3 and 4 of this subsection is  
22 permitted between inspections; however, the inspection due date  
23 shall not be affected; provided, however, for an entity with two or  
24 more boilers or pressure vessels, the Commissioner may allow all

1 inspections of the boilers or pressure vessels to be conducted at  
2 that location at the same time;

3 6. The Commissioner of Labor may provide for longer periods  
4 between inspections in the rules for specific boilers and pressure  
5 vessels; and

6 7. Under the provisions of the Boiler and Pressure Vessel  
7 Safety Act, the Commissioner of Labor is responsible to provide  
8 rules for the safety of life, limb and property and therefore has  
9 jurisdiction over the interpretation and application of the  
10 inspection requirements as provided for in the rules. Inspection  
11 during construction and installation shall certify as to the minimum  
12 requirement for safety as defined in the American Society of  
13 Mechanical Engineers Code or other construction standards acceptable  
14 to the Commissioner of Labor. Inspection requirements of operating  
15 equipment shall be in accordance with generally accepted practice  
16 and compatible with the actual service condition, such as:

- 17 a. previous experience, based on records of inspection,  
18 performance and maintenance,
- 19 b. location, with respect to personnel hazard,
- 20 c. quality of inspection and operating personnel,
- 21 d. provision for related safe operating controls, and
- 22 e. interrelation with other operations outside the scope  
23 of the Boiler and Pressure Vessel Safety Act.

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1 Based upon the documentation of such actual service conditions  
2 by the owner or user of the operating equipment, the Commissioner of  
3 Labor may, at his discretion, permit variations in the inspection  
4 requirements.

5 C. The inspections herein required shall be made by the  
6 Commissioner, chief boiler inspector, deputy inspector or a special  
7 inspector as provided for in the Boiler and Pressure Vessel Safety  
8 Act except that hot water heating and hot water supply boilers may  
9 be inspected by licensed boiler operators or plumbing contractors  
10 licensed by the State of Oklahoma.

11 D. Owner-user inspection of boilers and pressure vessels is  
12 permitted provided the owner-user inspection service is regularly  
13 established and is under the supervision of one or more individuals  
14 whose qualifications are satisfactory to the Commissioner of Labor  
15 and said owner-user causes the pressure vessels to be inspected in  
16 conformance with the National Board Inspection Code or American  
17 Petroleum Institute Pressure Vessel Inspection Code as applicable.

18 E. If, at the discretion of the inspector, a hydrostatic test  
19 shall be deemed necessary, it shall be made by the owner or user or  
20 his licensed representative and witnessed by an inspector as  
21 authorized by the Boiler and Pressure Vessel Safety Act, before a  
22 certificate of operation is issued.

23 F. All boilers, other than cast iron sectional boilers, and  
24 pressure vessels to be installed in this state after the twelve-

1 month period from the date upon which the rules of the Commissioner  
2 become effective, shall be inspected during construction as required  
3 by the applicable rules by an inspector authorized to inspect  
4 boilers and pressure vessels in this state, or if constructed  
5 outside of the state, by an inspector holding a valid commission  
6 issued by the National Board of Boiler and Pressure Vessel  
7 Inspectors.

8 G. No person, firm or corporation shall in any manner interfere  
9 with the performance of the official duties of any inspector  
10 authorized by the Boiler and Pressure Vessel Safety Act.

11 SECTION 2. AMENDATORY 40 O.S. 2011, Section 141.16, as  
12 amended by Section 1, Chapter 336, O.S.L. 2014 (40 O.S. Supp. 2015,  
13 Section 141.16), is amended to read as follows:

14 Section 141.16. A. The Commissioner of Labor may promulgate  
15 rules establishing a schedule of administrative fees for the  
16 registration, inspection and operation of boilers, pressure vessels  
17 and steam lines. The following fees shall remain in effect until  
18 rules become effective, at which time the fees contained in this  
19 subsection shall be superseded by rule. Fees collected by the  
20 Department of Labor for the registration, inspection and operation  
21 of boilers, pressure vessels and steam lines shall be deposited into  
22 the Department of Labor Revolving Fund.

23 1. a. Annual certificate of operation fee shall be as  
24 follows:

1	(1) with manway state inspector	\$75.00
2	(2) without manway state inspector	\$50.00
3	(3) any size special - or owner/user	
4	inspector	\$50.00
5	(4) each public hot water supply heater	
6	(biennially)	\$5.00
7	(5) each public boiler	
8	inspection/certification	\$25.00
9	b. Only one certificate of operation fee per year may be	
10	charged; except an additional fee equal to the	
11	certificate of operation fee may be charged for	
12	witnessing a hydrostatic test required after repairs,	
13	provided a fee equal to the total fees identified in	
14	division (1) or (2) of subparagraph a of this	
15	paragraph, whichever is appropriate, and subparagraph	
16	f of paragraph 2 of this subsection may be charged	
17	when the pressure-retaining item is not prepared and	
18	ready pursuant to rules promulgated by the	
19	Commissioner of Labor at the time of the inspection.	
20	2. Other Fees	
21	a. hydrostatic test of steam pipeline per	
22	day	\$150.00
23	(for each additional half-day or part	
24	thereof)	\$75.00

1	b.	shop review fees	\$3,000.00
2	c.	licensing fees	
3		(1) repair, service, install (annually)	\$50.00
4		(2) boiler operator (biennially)	\$50.00
5	d.	certificate of competency fee	\$15.00
6	e.	examination fee	\$50.00
7	f.	boiler or pressure vessel inspection	
8		fee for certificate inspections by	
9		state inspectors	\$155.00
10	g.	authorized inspector services for weld	
11		repairs or alterations, per eight-hour	
12		day or part thereof	\$300.00
13	h.	a fee as established by rule may be	
14		assessed for the issuance of duplicate	
15		licenses and certificates, not to	
16		exceed	\$10.00

17 B. All institutions owned or operated by the State of Oklahoma  
18 or its agencies or by any county, municipality or school district,  
19 and such institutions or agencies, and all owners or users of  
20 boilers or pressure vessels of historical significance as specified  
21 in subsection D of Section 141.5 of this title are exempt from the  
22 payment of only those fees provided for in paragraph 2 of subsection  
23 A of this section.

24

1 C. ~~1. Except for the revenue listed in paragraph 2 of this~~  
2 ~~subsection, the Commissioner shall account for and transfer all fees~~  
3 ~~so received to the State Treasury to the credit of the General~~  
4 ~~Revenue Fund, together with a detailed report of same.~~

5 2. The Commissioner shall account for and deposit all fee  
6 revenue ~~received and listed in this paragraph~~ to the Department of  
7 Labor Revolving Fund:

8 a. ~~Twenty-five Dollars (\$25.00) of each certificate of~~  
9 ~~operation fee collected under divisions (1), (2) and~~  
10 ~~(3) of subparagraph a of paragraph 1 of subsection A~~  
11 ~~of this section,~~

12 b. ~~all fees listed in divisions (4) and (5) of~~  
13 ~~subparagraph a of paragraph 1 of subsection A of this~~  
14 ~~section, and~~

15 c. ~~all fees listed in subparagraphs b, g and h of~~  
16 ~~paragraph 2 of subsection A of this section.~~

17 D. All fees shall be paid directly to the Department of Labor.

18 SECTION 3. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 3023.1 of Title 59, unless there  
20 is created a duplication in numbering, reads as follows:

21 A. Any person, sole proprietor, partnership, firm, joint  
22 venture, association, corporation or any other business entity  
23 wishing to engage in the business of elevator, escalator, moving  
24 walk or platform or stairway chairlift inspections within the



1 jurisdiction of this state shall make application for a license with  
2 the Department of Labor on a form to be provided by the Department.  
3 An inspector shall possess those qualifications established by rule  
4 of the Department of Labor.

5 B. No inspector's license shall be granted to any person unless  
6 he or she demonstrates to the satisfaction of the Commissioner of  
7 Labor that he or she meets the current ASME QEI-1, Standards for the  
8 Qualifications of Elevator Inspectors.

9 SECTION 4. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 3023.2 of Title 59, unless there  
11 is created a duplication in numbering, reads as follows:

12 A. The certificate of operation fee for newly installed  
13 elevators, platform lifts, and stairway chairlifts for private  
14 residences shall be subsequent to an inspection by the Commissioner  
15 or his or her designee.

16 B. The Commissioner, or his or her designee, shall inspect, in  
17 accordance with the requirements set forth in this chapter, all  
18 newly installed elevators, platform lifts, and stairway chairlifts  
19 for private residences. For newly installed residential elevators  
20 and other residential elevators, the inspector shall note on the  
21 inspection report compliance with the applicable codes governing  
22 protection of hoist way openings, commonly known as the 3x5 rule.

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1 SECTION 5. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 3023.3 of Title 59, unless there  
3 is created a duplication in numbering, reads as follows:

4 Elevator inspectors, not employed by the authority having  
5 jurisdiction, shall submit to the Department of Labor an insurance  
6 policy, or certified copy thereof, issued by an insurance company  
7 authorized to do business in the state to provide general liability  
8 coverage of at least One Million Dollars (\$1,000,000.00) for injury  
9 or death of any number of persons in any one occurrence and with  
10 coverage of at least Five Hundred Thousand Dollars (\$500,000.00) for  
11 property damage in any one occurrence and the statutory workers'  
12 compensation insurance coverage.

13 SECTION 6. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 3023.4 of Title 59, unless there  
15 is created a duplication in numbering, reads as follows:

16 A. It shall be the duty of the Department of Labor to develop  
17 an enforcement program which will ensure compliance with regulations  
18 and requirements referenced in this chapter. An enforcement program  
19 may include, but is not limited to, regulations for identification  
20 of property locations which are subject to the regulations and  
21 requirements; issuing notifications to violating property owners or  
22 operators; random on-site inspections and tests on existing  
23 installations; witnessing periodic inspections and testing in order  
24 to ensure satisfactory performance by licensed persons, sole

1 proprietors, firms or corporations; and assisting in the development  
2 of public awareness programs.

3 B. Any person may request an investigation into an alleged  
4 violation of this chapter by giving notice to the Department of  
5 Labor of such violation or danger. The notice shall be in writing,  
6 shall set forth with reasonable particularity the grounds for the  
7 notice, and shall be signed by the person making the request.

8 C. If upon receipt of a notification the Commissioner  
9 determines that there are reasonable grounds to believe that a  
10 violation or danger exists, the Commissioner shall cause to be made  
11 an investigation in accordance with this chapter as soon as  
12 practicable to determine if such violation or danger exists. If the  
13 Commissioner determines that there are no reasonable grounds to  
14 believe that a violation or danger exists, the Department of Labor  
15 shall notify the party in writing of such determination.

16 SECTION 7. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 3023.5 of Title 59, unless there  
18 is created a duplication in numbering, reads as follows:

19 This chapter shall not be construed to relieve or lessen the  
20 responsibility or liability of any person, firm or corporation  
21 owning, operating, controlling, maintaining, erecting, constructing,  
22 installing, altering, inspecting, testing or repairing any elevator  
23 or other related mechanism covered by this chapter for damages to  
24 person or property caused by any defect therein, nor does the state

1 assume any such liability or responsibility therefor or any  
2 liability to any person for whatever reason whatsoever by the  
3 enactment of this chapter or any acts or omissions arising  
4 hereunder.

5 SECTION 8. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 3023.6 of Title 59, unless there  
7 is created a duplication in numbering, reads as follows:

8 A. Initial inspections shall be conducted by the Commissioner  
9 or his or her designee. It shall be the responsibility of the  
10 owners of all new and existing conveyances located in any building  
11 or structure to have the conveyances inspected annually (ASME A17.1,  
12 category one) by a licensed elevator inspector. Subsequent to  
13 inspection, the licensed elevator inspector shall supply the  
14 property owner or lessee and the Commissioner with a written  
15 inspection report describing any and all violations. Property  
16 owners shall have thirty (30) days from the date of the published  
17 inspection report to be in full compliance with correcting the  
18 violations.

19 B. It shall be the responsibility of the owners of conveyances  
20 to have a licensed elevator inspector, as described in this chapter,  
21 ensure that the required tests are performed at intervals in  
22 compliance with ASME A17.1, ASME A18.1 and ASCE 21.

23 C. All tests shall be performed by a licensed elevator  
24 mechanic.

1 SECTION 9. AMENDATORY 59 O.S. 2011, Section 3023, is  
2 amended to read as follows:

3 Section 3023. A. There is hereby established an Elevator  
4 Inspection Bureau in the Department of Labor under the direction of  
5 the chief elevator inspector, who shall be responsible to the  
6 Commissioner of Labor or a duly authorized representative for the  
7 supervision, inspection, alteration, installation, testing, and  
8 maintenance of elevators and other such devices within the  
9 definitions of the Elevator Safety Act.

10 The Elevator Inspection Bureau shall be furnished with  
11 sufficient personnel, deputy inspectors, and clerical aids to  
12 perform the assigned duties within the limits prescribed by the  
13 Commissioner of Labor.

14 The chief elevator inspector and deputy inspectors, under the  
15 supervision of the Commissioner of Labor, shall:

16 1. Take action necessary for the enforcement of the Elevator  
17 Safety Act and these rules;

18 2. Make available upon request copies of the rules promulgated  
19 by the agency; and

20 3. Issue, suspend, or revoke for cause certificates, licenses,  
21 and registrations as may be issued by the provisions of the Elevator  
22 Safety Act, and administer other disciplinary actions as prescribed  
23 in rules as promulgated by the Commissioner of Labor.

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1 B. The Commissioner of Labor is authorized to adopt and  
2 promulgate rules pursuant to the Administrative Procedures Act.  
3 Definitions, rules, and regulations so adopted shall be based upon  
4 and follow generally accepted national engineering standards,  
5 formula, and practices. The Commissioner of Labor may adopt an  
6 existing American national standard known as the Safety Code for  
7 Elevators and Escalators of the American Society of Mechanical  
8 Engineers ("ASME").

9 C. Under the provisions of the Elevator Safety Act, the  
10 Commissioner of Labor is responsible to provide rules for the safety  
11 of life, limb, and property and therefore has jurisdiction over the  
12 interpretation and application of the inspection requirements as  
13 provided for in the rules. Inspection during construction and  
14 installation shall certify as to the minimum requirements for safety  
15 as defined in the American Society of Mechanical Engineers Code or  
16 other construction standards acceptable to the Commissioner of  
17 Labor. Inspection requirements of operating equipment shall be in  
18 accordance with generally accepted practice and compatible with the  
19 actual service conditions such as:

- 20 1. History of previous experience, previous records of  
21 inspection, performance, and maintenance;
- 22 2. Location, with respect to personnel hazard;
- 23 3. Quality of inspection and operating personnel;
- 24 4. Provisions for related safe operating controls; and

1 5. Interrelation with other operations outside the scope of the  
2 Elevator Safety Act.

3 D. Inspections required by the Elevator Safety Act shall be  
4 conducted by inspectors licensed by the Department of Labor.

5 E. Inspections conducted for the issuance of a certificate of  
6 operation ~~may~~ shall be performed by ~~the Commissioner or his or her~~  
7 designee.

8 ~~1. The chief elevator inspector, deputy elevator inspector or~~  
9 ~~licensed third party inspector who at the time of inspection~~  
10 ~~possesses a valid elevator inspector's license issued by the~~  
11 ~~Department of Labor; or~~

12 ~~2. An elevator inspector employed by the liability insurance~~  
13 ~~company of record of the owner of the elevator or device who at the~~  
14 ~~time of inspection is in possession of a valid elevator inspector's~~  
15 ~~license issued by the Department of Labor.~~

16 F. Periodic inspections shall be performed by:

17 1. A licensed third party inspector who at the time of  
18 inspection possesses a valid elevator inspector's license issued by  
19 the Department of Labor;

20 2. An elevator inspector employed by the liability insurance  
21 company of record of the owner of the elevator or device who at the  
22 time of inspection is in possession of a valid elevator inspector's  
23 license issued by the Department of Labor; or

24 3. An elevator inspector employed by the Department of Labor.

1        G. Elevator Inspectors, not employed by the Department of  
2 Labor, shall submit to the Commissioner of Labor, an insurance  
3 policy or certified copy thereof, issued by an insurance company  
4 authorized to do business in this state to provide general liability  
5 coverage of a least One Million Dollars (\$1,000,000.00) for injury  
6 or death of any number of persons in any one occurrence, with the  
7 coverage of at least Five Hundred Thousand Dollars (\$500,000.00) for  
8 property damage in any one occurrence and proof of workers'  
9 compensation coverage.

10        ~~G.~~ H. Elevators, escalators, and other such devices within the  
11 definitions of the Elevator Safety Act shall receive an inspection  
12 for the purpose of obtaining a certificate of operation:

13            1. Two-floor to four-floor elevator units, not to exceed two  
14 (2) years;

15            2. Any wire-rope elevator, regardless of floors, annually;

16            3. Escalators and moving walkways, annually;

17            4. Wheelchair lifts, triennially;

18            5. Temporary elevators shall be inspected at each erection and  
19 every ninety (90) days or as the code requires; and

20            6. Any elevator or other such device subject to the provisions  
21 of the Elevator Safety Act located in a structure whose occupants  
22 are mobility restricted, such as hospitals, nursing homes, and  
23 residential care facilities, shall be inspected annually.

24



1 SECTION 10. AMENDATORY 59 O.S. 2011, Section 3024, as  
2 amended by Section 293, Chapter 304, O.S.L. 2012 (59 O.S. Supp.  
3 2015, Section 3024), is amended to read as follows:

4 Section 3024. A. The Commissioner of Labor shall have the  
5 following powers and duties:

6 1. The Commissioner shall:

- 7 a. adopt or determine standards of elevator safety,
- 8 b. license elevator contractors, elevator mechanics, and  
9 elevator inspectors,
- 10 c. register elevator apprentices,
- 11 d. determine qualifications for examination, establish  
12 application processes, and examine applicants for  
13 licensure,
- 14 e. establish terms of licensure and renewal procedures,
- 15 f. attempt to achieve reciprocity agreements whereby  
16 licenses issued by other jurisdictions may be accepted  
17 in this state in lieu of examination,
- 18 g. establish grounds for revocation, suspension, and  
19 nonrenewal of licenses and policies for reinstatement  
20 of licenses and for imposition of lesser disciplinary  
21 measures,
- 22 h. establish continuing education requirements,
- 23 i. provide for the inspection and certification of  
24 elevators,

- 1 j. provide for the enforcement of the Elevator Safety  
2 Act,  
3 k. hear appeals pursuant to the Administrative Procedures  
4 Act,  
5 l. establish a procedure for the reporting and  
6 investigation of accidents, and  
7 m. establish a procedure to allow variances from the  
8 literal requirement of the code;

9 2. The Commissioner shall publish informational brochures about  
10 license examinations that indicate the scope of the examinations,  
11 include suggestions about how to prepare for the examinations, and  
12 may include sample questions of the type to be expected, but shall  
13 never include test items that will be used in future examinations.  
14 In no case shall information about forthcoming examinations, that is  
15 not generally available, be given to any school, coaching service,  
16 or individual privately; and

17 3. The Commissioner shall have subpoena powers and shall have  
18 the right to seek injunctive relief to prevent the operation of  
19 elevators lacking a certificate of operation after November 1, 2006,  
20 or failing inspection. For any violation of the Elevator Safety  
21 Act, the Commissioner may assess an administrative fine ~~of not more~~  
22 ~~than Five Hundred Dollars (\$500.00)~~, which fine may be assessed in  
23 addition to any other penalties provided pursuant to the Elevator  
24 Safety Act. The Commissioner of Labor may promulgate rules

1 establishing a schedule of administrative fines for violations of  
2 the Elevator Safety Act. Upon collection of an assessed fine, the  
3 funds shall be deposited in the Department of Labor Administrative  
4 Penalty Revolving Fund created in Section 11 of this act.

5 B. The Commissioner of Labor may promulgate rules establishing  
6 a schedule of administrative fees for the implementation of the  
7 Elevator Safety Act. The following fees shall remain in effect  
8 until such rules become effective, at which time the fees contained  
9 in this subsection shall be superseded by rule. Fees shall be as  
10 follows:

- |    |                                    |          |
|----|------------------------------------|----------|
| 11 | 1. Elevator contractor examination | \$100.00 |
| 12 | 2. Elevator inspector examination  | \$100.00 |
| 13 | 3. Elevator mechanic examination   | \$100.00 |
| 14 | 4. Initial and renewal elevator    |          |
| 15 | contractor license                 | \$100.00 |
| 16 | 5. Initial and renewal elevator    |          |
| 17 | inspector License                  | \$ 75.00 |
| 18 | 6. Initial and renewal elevator    |          |
| 19 | mechanic License                   | \$ 50.00 |
| 20 | 7. Annual elevator apprentice      |          |
| 21 | registration                       | \$ 25.00 |
| 22 | 8. Late renewal - in addition to   |          |
| 23 | license fee                        | \$ 10.00 |

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1	9. Replacement of lost or mutilated	
2	license	\$ 10.00
3	10. Reinstatement - in addition to	
4	license fee	\$100.00
5	11. Existing elevator - certification	
6	of operation	\$ 25.00
7	12. New elevator - inspection and	
8	certification	\$150.00
9	13. Elevator temporary certification	\$ 25.00
10	14. Elevator temporary mechanic	
11	license for 30 days	\$ 10.00
12	15. Labor for chief elevator inspector	
13	or deputy elevator inspector to	
14	perform inspection for issuance of	
15	certificate of operation:	
16	a. any escalator or moving walkway	\$125.00
17	b. elevator, two-four floors	\$ 75.00
18	c. elevator, five-ten floors	\$100.00
19	d. elevator, eleven floors and over	\$125.00
20	e. wheelchair lift	\$ 25.00
21	C. All revenues received shall be deposited to the Department	
22	of Labor Revolving Fund. It is the intent of the Legislature that	
23	fees charged pursuant to the Elevator Safety Act be adjusted to	
24	provide sufficient income, but not substantially more than	

1 sufficient income, to ensure elevator safety as provided by the  
2 Elevator Safety Act. Accordingly, the Commissioner of Labor shall  
3 make an annual study of the revenues to and expenditures from the  
4 Department of Labor Revolving Fund related to elevator safety and  
5 shall prepare a report indicating what fee adjustments, if any,  
6 shall be recommended. The report shall be submitted by September 1  
7 each year to the Director of the Office of Management and Enterprise  
8 Services, the Chair of the Appropriations Committee of the Senate,  
9 and the Chair of the Appropriations and Budget Committee of the  
10 House of Representatives, and shall be filed with the Department of  
11 Labor.

12 D. Licenses and certifications issued in accordance with the  
13 provisions of the Elevator Safety Act shall be renewed according to  
14 the following schedule:

15 1. Elevator contractor, elevator inspector, elevator mechanic  
16 licenses and elevator apprentice registration shall be renewed  
17 annually prior to the last day of the calendar month in which the  
18 license or registration was initially issued;

19 2. Any such license, registration or certificate required by  
20 the Elevator Safety Act not renewed by the last day of the calendar  
21 month in which renewal is required shall be subject to a late fee as  
22 provided by this act;

23 3. Any elevator contractor, elevator inspector, elevator  
24 mechanic license or apprentice registration having been expired for

1 a period of not less than thirty (30) days nor more than three  
2 hundred sixty-five (365) days shall be subject to a reinstatement  
3 fee as provided for in the Elevator Safety Act; and

4 4. Any elevator contractor, elevator inspector, elevator  
5 mechanic license or apprentice registration being expired for a  
6 period of one (1) year or longer from the last day of the month in  
7 which renewal was required shall be considered void and the licensee  
8 shall be subject to all requirements for new issuance.

9 SECTION 11. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 405.1 of Title 40, unless there  
11 is created a duplication in numbering, reads as follows:

12 There is hereby created in the State Treasury a revolving fund  
13 for the Department of Labor to be designated the "Department of  
14 Labor Administrative Penalty Revolving Fund". The fund shall be a  
15 continuing fund, not subject to fiscal year limitations, and shall  
16 consist of all administrative fines collected by the Department for  
17 violations of the Elevator Safety Act, and any rules promulgated  
18 thereto. All monies accruing to the credit of the fund are hereby  
19 directed to be transferred by the Commissioner of Labor to the State  
20 Treasurer for deposit and credit to the General Revenue Fund at the  
21 end of each fiscal year.

22 SECTION 12. This act shall become effective November 1, 2016.

23 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE  
24 February 18, 2016 - DO PASS AS AMENDED