

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 591

By: Jolley

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5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2011, Sections 1013, 1686 and
9 1850.90, which relate to apprentices for plumbing,
10 electrical and mechanical professions; modifying
11 language; providing for apprentice application and
12 renewals; prohibiting work without certain apprentice
13 registration; providing for certain forms and
14 document submissions; providing certain grace period
15 for registration or examination; allowing apprentice
16 registration during grace period without disciplinary
17 action; excepting certain persons during grace period
18 from apprentice registration requirements for
19 examination; providing certain retest within certain
20 period; providing certain wait period for failure to
21 pass examination within certain grace period;
22 construing violations after certain grace period;
23 construing effects of grace period on certain rules
24 and laws; 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 1013, is
amended to read as follows:

Section 1013. A. The Construction Industries Board shall, upon
proper application and payment of fee, register as a plumber's
apprentice, and shall issue a certificate of registration to,

1 persons who furnish proof satisfactory to the Board that they are
2 sixteen (16) years of age or older and are enrolled in a recognized
3 school or training course for plumber apprentices, or have arranged
4 for employment as a plumber's apprentice with a licensed plumbing
5 contractor. The certificate of an apprentice shall expire at the
6 end of one (1) year from date of issuance, at which time ~~the Board~~
7 ~~may issue a renewal certificate upon payment of the renewal fee~~ the
8 apprentice may reregister and receive, upon payment of the
9 apprentice registration renewal fee, a renewal certificate. No
10 person shall act as, or perform the work of, a plumber's apprentice
11 without a current and valid certificate of registration or other
12 proof of proper application acceptable to the Board.

13 B. All applications or renewals shall be made in writing to the
14 Board on forms provided, if necessary, by the Board. All
15 applications or renewals shall be accompanied by the appropriate
16 fee.

17 C. Applicants and apprentices, when required by the Board,
18 shall provide such documents, statements or other information as may
19 be necessary to submit to a national criminal history record check
20 as defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

21 SECTION 2. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1013.1 of Title 59, unless there
23 is created a duplication in numbering, reads as follows:

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1 A. Notwithstanding any other provision of law concerning the
2 plumbing profession:

3 1. Ninety (90) days from and after the effective date of this
4 act it shall be unlawful and a misdemeanor for any person to act as,
5 or perform the work of, a plumber's apprentice, as defined in
6 Section 1003 of Title 59 of the Oklahoma Statutes, until such person
7 has registered as a plumber's apprentice as provided in Section 1013
8 of Title 59 of the Oklahoma Statutes and received a certificate of
9 registration from the Construction Industries Board. A current and
10 valid certificate of registration, or proof of proper application
11 acceptable to the Board, shall be required at all times while acting
12 as, or performing the work of, a plumber's apprentice.

13 2. Ninety (90) days from and after the effective date of this
14 act it shall be unlawful and a misdemeanor for any person, firm,
15 partnership, association or corporation to employ or offer
16 employment, work or any job to a person as a plumber's apprentice,
17 as defined in Section 1003 of Title 59 of the Oklahoma Statutes,
18 until such person shall have registered and received a certification
19 of registration as a plumber's apprentice as required by Section
20 1013 of Title 59 of the Oklahoma Statutes. A copy of the current
21 and valid certificate of registration or proof of proper application
22 for each person acting as, or performing the work of, a plumber's
23 apprentice shall be on file for inspection at the person's, firm's,
24 partnership's, association's or corporation's primary place of

1 business. Failure to obtain a copy of each person's certificate of
2 registration or proof of application as a plumber's apprentice shall
3 constitute a violation of The Plumbing License Law of 1955.

4 B. Within the ninety-day period provided in this act, a person
5 who is not registered or has not been continuously registered as a
6 plumber's apprentice, and who is currently and has been continuously
7 acting as, or performing continuously the work of, a plumber's
8 apprentice for a period of three (3) years or more under the
9 supervision of a licensed plumbing contractor in this state, or who
10 has a military exemption from apprentice registration as allowed by
11 the Construction Industries Board, may make application to take the
12 examination for journeyman plumber upon submission of an affidavit
13 from his or her current employer and other documents or proofs
14 required by the Oklahoma State Committee of Plumbing Examiners and
15 the Construction Industries Board. The examination shall be
16 conducted within the ninety-day period with only one retest allowed
17 after thirty (30) days from the date of a failed examination within
18 the same ninety-day period. Any applicant failing to pass the
19 examination, including the one allowable retest, within the ninety-
20 day period shall not be permitted to take any subsequent examination
21 for a period of three (3) years and only after proper registration
22 as an apprentice as required by Section 1013 of Title 59 of the
23 Oklahoma Statutes for a continuous three-year period.

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1 C. The provisions of this section provide a one-time grace
2 period for persons acting as or performing the work of an apprentice
3 who are not properly registered. Persons acting as or performing
4 the work of an apprentice who are not properly registered shall be
5 allowed to either register as required by Section 1013 of Title 59
6 of the Oklahoma Statutes without disciplinary action for failure to
7 be properly registered, or apply and take the journeyman plumber
8 examination within the ninety-day grace period. On the effective
9 date of this act, any person who is acting as, or performing the
10 work of, a plumber's apprentice and who fails to register as a
11 plumber's apprentice or fails to successfully pass the journeyman
12 examination within the ninety-day grace period shall be deemed in
13 violation of The Plumbing Licensing Law of 1955 for each day the
14 person was not or is not registered or licensed.

15 D. Nothing in this section shall be construed to alter, modify
16 or amend any law or rule regarding experience qualifications or
17 other requirements for examination except as specifically authorized
18 in the ninety-day grace period for persons not properly registered
19 as an apprentice. Such grace period shall not be extended, and
20 except for military exemptions authorized by the Construction
21 Industries Board by law or rule, no other exceptions shall be
22 authorized.

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

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

6 1. Sixteen (16) years of age or over;

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

10 The certificate of an apprentice shall expire at the end of one
11 (1) year from date of issuance, at which time the apprentice may
12 reregister and receive, upon payment of the apprentice registration
13 renewal fee, a renewal certificate. No person shall act as, or
14 perform the work of, an electrical apprentice without a current and
15 valid certificate of registration or other proof of proper
16 application acceptable to the Board.

17 B. All applications ~~for examination, license or renewal of~~
18 ~~license~~ renewals shall be made in writing to the Board on forms
19 provided, if necessary, by the Board. All applications or renewals
20 shall be accompanied by the appropriate fee.

21 C. ~~Apprentices~~ Applicants and apprentices, when required by the
22 Board, shall provide such documents, statements or other information
23 as may be necessary to submit to a national criminal history record
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1 check as defined by Section 150.9 of Title 74 of the Oklahoma
2 Statutes.

3 SECTION 4. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1686.1 of Title 59, unless there
5 is created a duplication in numbering, reads as follows:

6 A. Notwithstanding any other provision of law concerning the
7 electrical profession:

8 1. Ninety (90) days from and after the effective date of this
9 act it shall be unlawful and a misdemeanor for any person to act as,
10 or perform the work of, an electrical apprentice, as defined in
11 Section 1682 of Title 59 of the Oklahoma Statutes, until such person
12 has registered as an electrical apprentice as provided in Section
13 1686 of Title 59 of the Oklahoma Statutes and received a certificate
14 of registration from the Construction Industries Board. A current
15 and valid certificate of registration, or proof of proper
16 application acceptable to the Board, shall be required at all times
17 while acting as or performing the work of an electrical apprentice.

18 2. Ninety (90) days from and after the effective date of this
19 act it shall be unlawful and a misdemeanor for any person, firm,
20 partnership, association or corporation to employ or offer
21 employment, work or any job to a person as an electrical apprentice,
22 as defined in Section 1682 of Title 59 of the Oklahoma Statutes,
23 until such person shall have registered and received a certification
24 of registration as an electrical apprentice as required by Section

1 1686 of Title 59 of the Oklahoma Statutes. A copy of the current
2 and valid certificate of registration or proof of proper application
3 for each person acting as or performing the work of an electrical
4 apprentice shall be on file for inspection at the person's, firm's,
5 partnership's, association's or corporation's primary place of
6 business. Failure to obtain a copy of each person's certificate of
7 registration or proof of application as an electrical apprentice
8 shall constitute a violation of the Electrical License Act.

9 B. Within the ninety-day period provided in this act, a person
10 who is not registered ,or has not been continuously registered, as
11 an electrical apprentice, and who is currently and has been
12 continuously acting as, or performing continuously the work of, an
13 electrical apprentice for a period of three (3) years or more under
14 the supervision of a licensed electrical contractor in this state,
15 or who has a military exemption from apprentice registration as
16 allowed by the Construction Industries Board, may make application
17 to take the examination for journeyman electrician upon submission
18 of an affidavit from his or her current employer and other documents
19 or proofs required by the Committee of Electrical Examiners and the
20 Construction Industries Board. The examination shall be conducted
21 within the ninety-day period with only one retest allowed after
22 thirty (30) days from the date of a failed examination within the
23 same ninety-day period. Any applicant failing to pass the
24 examination, including the one allowable retest, within the ninety-

1 day period shall not be permitted to take any subsequent examination
2 for a period of three (3) years and only after proper registration
3 as an apprentice as required by Section 1686 of Title 59 of the
4 Oklahoma Statutes for a continuous three-year period.

5 C. The provisions of this section provide a one-time grace
6 period for persons acting as, or performing the work of, an
7 apprentice who are not properly registered. Persons acting as, or
8 performing the work of, an apprentice who are not properly
9 registered shall be allowed to either register as required by
10 Section 1686 of Title 59 of the Oklahoma Statutes without
11 disciplinary action for failure to be properly registered, or apply
12 and take the journeyman electrician examination within the ninety-
13 day grace period. On the effective date of this act, any person who
14 is acting as, or performing the work of, an electrical apprentice
15 and who fails to register as an electrician's apprentice or fails to
16 successfully pass the journeyman examination within the ninety-day
17 grace period shall be deemed in violation of the Electrical License
18 Act for each day the person was not or is not registered or
19 licensed.

20 D. Nothing in this section shall be construed to alter, modify
21 or amend any law or rule regarding experience qualifications or
22 other requirements for examination except as specifically authorized
23 in the ninety-day grace period for persons not properly registered
24 as an apprentice. Such grace period shall not be extended, and

1 except for military exemptions authorized by the Construction
2 Industries Board by law or rule, no other exceptions shall be
3 authorized.

4 SECTION 5. AMENDATORY 59 O.S. 2011, Section 1850.9, is
5 amended to read as follows:

6 Section 1850.9. A. The Construction Industries Board, upon
7 proper application and payment of an apprentice registration fee,
8 shall register as a mechanical apprentice and issue a certificate of
9 such registration to any person who furnishes satisfactory proof to
10 the Board that the applicant is:

- 11 1. Sixteen (16) years of age or older; and
- 12 2. Enrolled in a school or training course for mechanical
13 apprentices recognized by the Board or has arranged for employment
14 as a mechanical apprentice with a licensed mechanical contractor.

15 B. Apprentice registration certificates shall expire one (1)
16 year after date of registration, at which time the apprentice may
17 reregister and receive, upon payment of the apprentice registration
18 renewal fee, a renewal certificate.

19 C. No person shall act as, or perform the work of, a mechanical
20 apprentice without a current and valid certificate of registration,
21 or other proof of proper application acceptable to the Board.

22 D. All applications or renewals shall be made in writing to the
23 Board on forms provided, if necessary, by the Board. All
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1 applications or renewals shall be accompanied by the appropriate
2 fee.

3 E. Applicants and apprentices, when required by the Board,
4 shall provide such documents, statements or other information as may
5 be necessary to submit to a national criminal history record check
6 as defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

7 SECTION 6. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1850.9A of Title 59, unless
9 there is created a duplication in numbering, reads as follows:

10 A. Notwithstanding any other provision of law concerning the
11 mechanical profession:

12 1. Ninety (90) days from and after the effective date of this
13 act it shall be unlawful and a misdemeanor for any person to act as,
14 or perform the work of, a mechanical apprentice, as defined in
15 Section 1850.2 of Title 59 of the Oklahoma Statutes, until such
16 person has registered as a mechanical apprentice as provided in
17 Section 1850.9 of Title 59 of the Oklahoma Statutes and received a
18 certificate of registration from the Construction Industries Board.
19 A current and valid certificate of registration, or proof of proper
20 application acceptable to the Board, shall be required at all times
21 while acting as, or performing the work of, a mechanical apprentice.

22 2. Ninety (90) days from and after the effective date of this
23 act it shall be unlawful and a misdemeanor for any person, firm,
24 partnership, association or corporation to employ or offer

1 employment, work or any job to a person as a mechanical apprentice,
2 as defined in Section 1850.2 of Title 59 of the Oklahoma Statutes,
3 until such person shall have registered and received a certification
4 of registration as a mechanical apprentice as required by Section
5 1850.9 of Title 59 of the Oklahoma Statutes. A copy of the current
6 and valid certificate of registration or other proof of application
7 for each person acting as or performing the work of a mechanical
8 apprentice shall be on file for inspection at the person's, firm's,
9 partnership's, association's or corporation's primary place of
10 business. Failure to obtain a copy of each person's certificate of
11 registration or proof of application as a mechanical apprentice
12 shall constitute a violation of the Mechanical Licensing Act.

13 B. Within the ninety-day period provided in this act, a person
14 who is not registered or has not been continuously registered as a
15 mechanical apprentice, and who is currently and has been
16 continuously acting as, or performing continuously the work of, a
17 mechanical apprentice for a period of three (3) years or more under
18 the supervision of a licensed mechanical contractor in this state,
19 or who has a military exemption from apprentice registration as
20 allowed by the Construction Industries Board, may make application
21 to take the examination for mechanical journeyman upon submission of
22 an affidavit from his or her current employer and other documents or
23 proofs required by the Committee of Mechanical Examiners and the
24 Construction Industries Board. The examination shall be conducted

1 within the ninety-day period with only one retest allowed after
2 thirty (30) days from the date of a failed examination within the
3 same ninety-day period. Any applicant failing to pass the
4 examination, including the one allowable retest, within the ninety-
5 day period shall not be permitted to take any subsequent examination
6 for a period of three (3) years and only after proper registration
7 as an apprentice as required by Section 1850.9 of Title 59 of the
8 Oklahoma Statutes for a continuous three-year period.

9 C. The provisions of this section provide a one-time grace
10 period for persons acting as or performing the work of an apprentice
11 who are not properly registered. Persons acting as or performing
12 the work of an apprentice who are not properly registered shall be
13 allowed to either register as required by Section 1850.9 of Title 59
14 of the Oklahoma Statutes without disciplinary action for failure to
15 be properly registered, or apply and take the mechanical journeyman
16 examination within the ninety-day grace period. On the effective
17 date of this act, any person who is acting as, or performing the
18 work of, a mechanical apprentice and who fails to register as a
19 mechanical apprentice or fails to successfully pass the mechanical
20 journeyman examination within the ninety-day grace period shall be
21 deemed in violation of the Mechanical Licensing Act for each day the
22 person was not, or is not, registered or licensed.

23 D. Nothing in this section shall be construed to alter, modify
24 or amend any law or rule regarding experience qualifications or

1 other requirements for examination except as specifically authorized
2 in the ninety-day grace period for persons not properly registered
3 as an apprentice. Such grace period shall not be extended, and
4 except for military exemptions authorized by the Construction
5 Industries Board by law or rule, no other exceptions shall be
6 authorized.

7 SECTION 7. This act shall become effective November 1, 2015.

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