

1 **SENATE FLOOR VERSION**

2 February 19, 2015

3 **AS AMENDED**

4 SENATE BILL NO. 591

5 By: Jolley of the Senate

6 and

7 Wallace of the House

8 [professions and occupations - apprentices for
9 plumbing, electrical and mechanical professions -
10 apprentice application and renewals - failure to pass
11 examination - violations - codification - effective
12 date]

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

14 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1013, is
15 amended to read as follows:

16 Section 1013. A. The Construction Industries Board shall, upon
17 proper application and payment of fee, register as a plumber's
18 apprentice, and shall issue a certificate of registration to,
19 persons who furnish proof satisfactory to the Board that they are
20 sixteen (16) years of age or older and are enrolled in a recognized
21 school or training course for plumber apprentices, or have arranged
22 for employment as a plumber's apprentice with a licensed plumbing
23 contractor. The certificate of an apprentice shall expire at the
24 end of one (1) year from date of issuance, at which time ~~the Board~~

1 ~~may issue a renewal certificate upon payment of the renewal fee~~ the
2 apprentice may reregister and receive, upon payment of the
3 apprentice registration renewal fee, a renewal certificate. No
4 person shall act as, or perform the work of, a plumber's apprentice
5 without a current and valid certificate of registration or other
6 proof of proper application acceptable to the Board.

7 B. All applications or renewals shall be made in writing to the
8 Board on forms provided, if necessary, by the Board. All
9 applications or renewals shall be accompanied by the appropriate
10 fee.

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

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

18 A. Notwithstanding any other provision of law concerning the
19 plumbing profession:

20 1. Ninety (90) days from and after the effective date of this
21 act it shall be unlawful and a misdemeanor for any person to act as,
22 or perform the work of, a plumber's apprentice, as defined in
23 Section 1003 of Title 59 of the Oklahoma Statutes, until such person
24 has registered as a plumber's apprentice as provided in Section 1013

1 of Title 59 of the Oklahoma Statutes and received a certificate of
2 registration from the Construction Industries Board. A current and
3 valid certificate of registration, or proof of proper application
4 acceptable to the Board, shall be required at all times while acting
5 as, or performing the work of, a plumber's apprentice.

6 2. Ninety (90) days from and after the effective date of this
7 act it shall be unlawful and a misdemeanor for any person, firm,
8 partnership, association or corporation to employ or offer
9 employment, work or any job to a person as a plumber's apprentice,
10 as defined in Section 1003 of Title 59 of the Oklahoma Statutes,
11 until such person shall have registered and received a certification
12 of registration as a plumber's apprentice as required by Section
13 1013 of Title 59 of the Oklahoma Statutes. A copy of the current
14 and valid certificate of registration or proof of proper application
15 for each person acting as, or performing the work of, a plumber's
16 apprentice shall be on file for inspection at the person's, firm's,
17 partnership's, association's or corporation's primary place of
18 business. Failure to obtain a copy of each person's certificate of
19 registration or proof of application as a plumber's apprentice shall
20 constitute a violation of The Plumbing License Law of 1955.

21 B. Within the ninety-day period provided in this act, a person
22 who is not registered or has not been continuously registered as a
23 plumber's apprentice, and who is currently and has been continuously
24 acting as, or performing continuously the work of, a plumber's

1 apprentice for a period of three (3) years or more under the
2 supervision of a licensed plumbing contractor in this state, or who
3 has a military exemption from apprentice registration as allowed by
4 the Construction Industries Board, may make application to take the
5 examination for journeyman plumber upon submission of an affidavit
6 from his or her current employer and other documents or proofs
7 required by the Oklahoma State Committee of Plumbing Examiners and
8 the Construction Industries Board. The examination shall be
9 conducted within the ninety-day period with only one retest allowed
10 after thirty (30) days from the date of a failed examination within
11 the same ninety-day period.

12 C. The provisions of this section provide a one-time grace
13 period for persons acting as or performing the work of an apprentice
14 who are not properly registered. Persons acting as or performing
15 the work of an apprentice who are not properly registered shall be
16 allowed to either register as required by Section 1013 of Title 59
17 of the Oklahoma Statutes without disciplinary action for failure to
18 be properly registered, or apply and take the journeyman plumber
19 examination within the ninety-day grace period. On the effective
20 date of this act, any person who is acting as, or performing the
21 work of, a plumber's apprentice and who fails to register as a
22 plumber's apprentice or fails to successfully pass the journeyman
23 examination within the ninety-day grace period shall be deemed in

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1 violation of The Plumbing Licensing Law of 1955 for each day the
2 person was not or is not registered or licensed.

3 D. Nothing in this section shall be construed to alter, modify
4 or amend any law or rule regarding experience qualifications or
5 other requirements for examination except as specifically authorized
6 in the ninety-day grace period for persons not properly registered
7 as an apprentice. Such grace period shall not be extended, and
8 except for military exemptions authorized by the Construction
9 Industries Board by law or rule, no other exceptions shall be
10 authorized.

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

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

- 18 1. Sixteen (16) years of age or over;
- 19 2. Enrolled in a school or federal training program for
20 electrical apprentices recognized by the Board, or employed as an
21 electrical apprentice with an active licensed electrical contractor.

22 The certificate of an apprentice shall expire at the end of one
23 (1) year from date of issuance, at which time the apprentice may
24 reregister and receive, upon payment of the apprentice registration

1 renewal fee, a renewal certificate. No person shall act as, or
2 perform the work of, an electrical apprentice without a current and
3 valid certificate of registration or other proof of proper
4 application acceptable to the Board.

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

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

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

17 A. Notwithstanding any other provision of law concerning the
18 electrical profession:

19 1. Ninety (90) days from and after the effective date of this
20 act it shall be unlawful and a misdemeanor for any person to act as,
21 or perform the work of, an electrical apprentice, as defined in
22 Section 1682 of Title 59 of the Oklahoma Statutes, until such person
23 has registered as an electrical apprentice as provided in Section
24 1686 of Title 59 of the Oklahoma Statutes and received a certificate

1 of registration from the Construction Industries Board. A current
2 and valid certificate of registration, or proof of proper
3 application acceptable to the Board, shall be required at all times
4 while acting as or performing the work of an electrical apprentice.

5 2. Ninety (90) days from and after the effective date of this
6 act it shall be unlawful and a misdemeanor for any person, firm,
7 partnership, association or corporation to employ or offer
8 employment, work or any job to a person as an electrical apprentice,
9 as defined in Section 1682 of Title 59 of the Oklahoma Statutes,
10 until such person shall have registered and received a certification
11 of registration as an electrical apprentice as required by Section
12 1686 of Title 59 of the Oklahoma Statutes. A copy of the current
13 and valid certificate of registration or proof of proper application
14 for each person acting as or performing the work of an electrical
15 apprentice shall be on file for inspection at the person's, firm's,
16 partnership's, association's or corporation's primary place of
17 business. Failure to obtain a copy of each person's certificate of
18 registration or proof of application as an electrical apprentice
19 shall constitute a violation of the Electrical License Act.

20 B. Within the ninety-day period provided in this act, a person
21 who is not registered ,or has not been continuously registered, as
22 an electrical apprentice, and who is currently and has been
23 continuously acting as, or performing continuously the work of, an
24 electrical apprentice for a period of three (3) years or more under

1 the supervision of a licensed electrical contractor in this state,
2 or who has a military exemption from apprentice registration as
3 allowed by the Construction Industries Board, may make application
4 to take the examination for journeyman electrician upon submission
5 of an affidavit from his or her current employer and other documents
6 or proofs required by the Committee of Electrical Examiners and the
7 Construction Industries Board. The examination shall be conducted
8 within the ninety-day period with only one retest allowed after
9 thirty (30) days from the date of a failed examination within the
10 same ninety-day period. Any applicant failing to pass the
11 examination, including the one allowable retest, within the ninety-
12 day period shall not be permitted to take any subsequent examination
13 for a period of three (3) years and only after proper registration
14 as an apprentice as required by Section 1686 of Title 59 of the
15 Oklahoma Statutes for a continuous three-year period.

16 C. The provisions of this section provide a one-time grace
17 period for persons acting as, or performing the work of, an
18 apprentice who are not properly registered. Persons acting as, or
19 performing the work of, an apprentice who are not properly
20 registered shall be allowed to either register as required by
21 Section 1686 of Title 59 of the Oklahoma Statutes without
22 disciplinary action for failure to be properly registered, or apply
23 and take the journeyman electrician examination within the ninety-
24 day grace period. On the effective date of this act, any person who

1 is acting as, or performing the work of, an electrical apprentice
2 and who fails to register as an electrician's apprentice or fails to
3 successfully pass the journeyman examination within the ninety-day
4 grace period shall be deemed in violation of the Electrical License
5 Act for each day the person was not or is not registered or
6 licensed.

7 D. Nothing in this section shall be construed to alter, modify
8 or amend any law or rule regarding experience qualifications or
9 other requirements for examination except as specifically authorized
10 in the ninety-day grace period for persons not properly registered
11 as an apprentice. Such grace period shall not be extended, and
12 except for military exemptions authorized by the Construction
13 Industries Board by law or rule, no other exceptions shall be
14 authorized.

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

17 Section 1850.9. A. The Construction Industries Board, upon
18 proper application and payment of an apprentice registration fee,
19 shall register as a mechanical apprentice and issue a certificate of
20 such registration to any person who furnishes satisfactory proof to
21 the Board that the applicant is:

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

4 B. Apprentice registration certificates shall expire one (1)
5 year after date of registration, at which time the apprentice may
6 reregister and receive, upon payment of the apprentice registration
7 renewal fee, a renewal certificate.

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

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

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

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

22 A. Notwithstanding any other provision of law concerning the
23 mechanical profession:
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1 1. Ninety (90) days from and after the effective date of this
2 act it shall be unlawful and a misdemeanor for any person to act as,
3 or perform the work of, a mechanical apprentice, as defined in
4 Section 1850.2 of Title 59 of the Oklahoma Statutes, until such
5 person has registered as a mechanical apprentice as provided in
6 Section 1850.9 of Title 59 of the Oklahoma Statutes and received a
7 certificate of registration from the Construction Industries Board.
8 A current and valid certificate of registration, or proof of proper
9 application acceptable to the Board, shall be required at all times
10 while acting as, or performing the work of, a mechanical apprentice.

11 2. Ninety (90) days from and after the effective date of this
12 act it shall be unlawful and a misdemeanor for any person, firm,
13 partnership, association or corporation to employ or offer
14 employment, work or any job to a person as a mechanical apprentice,
15 as defined in Section 1850.2 of Title 59 of the Oklahoma Statutes,
16 until such person shall have registered and received a certification
17 of registration as a mechanical apprentice as required by Section
18 1850.9 of Title 59 of the Oklahoma Statutes. A copy of the current
19 and valid certificate of registration or other proof of application
20 for each person acting as or performing the work of a mechanical
21 apprentice shall be on file for inspection at the person's, firm's,
22 partnership's, association's or corporation's primary place of
23 business. Failure to obtain a copy of each person's certificate of
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1 registration or proof of application as a mechanical apprentice
2 shall constitute a violation of the Mechanical Licensing Act.

3 B. Within the ninety-day period provided in this act, a person
4 who is not registered or has not been continuously registered as a
5 mechanical apprentice, and who is currently and has been
6 continuously acting as, or performing continuously the work of, a
7 mechanical apprentice for a period of three (3) years or more under
8 the supervision of a licensed mechanical contractor in this state,
9 or who has a military exemption from apprentice registration as
10 allowed by the Construction Industries Board, may make application
11 to take the examination for mechanical journeyman upon submission of
12 an affidavit from his or her current employer and other documents or
13 proofs required by the Committee of Mechanical Examiners and the
14 Construction Industries Board. The examination shall be conducted
15 within the ninety-day period with only one retest allowed after
16 thirty (30) days from the date of a failed examination within the
17 same ninety-day period. Any applicant failing to pass the
18 examination, including the one allowable retest, within the ninety-
19 day period shall not be permitted to take any subsequent examination
20 for a period of three (3) years and only after proper registration
21 as an apprentice as required by Section 1850.9 of Title 59 of the
22 Oklahoma Statutes for a continuous three-year period.

23 C. The provisions of this section provide a one-time grace
24 period for persons acting as or performing the work of an apprentice

1 who are not properly registered. Persons acting as or performing
2 the work of an apprentice who are not properly registered shall be
3 allowed to either register as required by Section 1850.9 of Title 59
4 of the Oklahoma Statutes without disciplinary action for failure to
5 be properly registered, or apply and take the mechanical journeyman
6 examination within the ninety-day grace period. On the effective
7 date of this act, any person who is acting as, or performing the
8 work of, a mechanical apprentice and who fails to register as a
9 mechanical apprentice or fails to successfully pass the mechanical
10 journeyman examination within the ninety-day grace period shall be
11 deemed in violation of the Mechanical Licensing Act for each day the
12 person was not, or is not, registered or licensed.

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

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

22 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE
23 February 19, 2015 - DO PASS AS AMENDED
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