

## RULE IMPACT STATEMENT

### TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 10. FINE SCHEDULE

1. **BRIEF DESCRIPTION OF PURPOSE OF PROPOSED RULE:** The purpose of the proposed amendments is to add a definition of "Contracting" that is already described in the separate trade Acts (Plumbing, Electrical, Mechanical & Roofing), and to provide clarification that the requirement for payment of fines and penalties applies to all individuals assessed such a fine or penalty.
2. **DESCRIPTION OF THE CLASSES OF PERSONS AFFECTED:** The agency, individuals who contract to perform plumbing, electrical, mechanical, or roofing work, and trade hearing boards (electrical, mechanical, plumbing, or roofing), the Construction Industries Board, or a court of competent jurisdiction for the violation of municipal ordinances.
3. **CLASSES OF PERSONS BENEFITTED:** The agency, individuals who contract to perform plumbing, electrical, mechanical, or roofing work, and trade hearing boards (electrical, mechanical, plumbing, or roofing), the Construction Industries Board, or a court of competent jurisdiction for the violation of municipal ordinances.
4. **ECONOMIC IMPACT UPON AFFECTED CLASSES OF PERSONS:** No new fines are established by the proposed rules. The proposed rules should have a positive economic impact in that having clear and unambiguous definitions should help to prevent individuals from unknowingly committing a violation that could result in a fine or penalty.
5. **COSTS AND BENEFITS TO THE AGENCY:** The proposed amendments create no new cost to the agency. The benefit is to have clear, unambiguous rules in place to assist those impacted by the rules.
6. **ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** No economic impact on any political subdivision is anticipated by the proposed rules.
7. **ECONOMIC IMPACT ON SMALL BUSINESS:** The economic impact on small business is not measurable.
8. **MEASURES TAKEN TO MINIMIZE COMPLIANCE COSTS:** The proposed rule changes are the least costly or least intrusive method of achieving the purpose of the proposed rules. There are no non-regulatory methods for achieving the purpose of the proposed rule changes.
9. **EFFECT OF THE PROPOSED RULE ON PUBLIC HEALTH:** It is important that trade work be contracted and performed by a licensed individual who is knowledgeable of the applicable codes adopted by the Oklahoma Uniform Building Code Commission, which helps to protect the health, safety and welfare of the public.

10. **DETRIMENTS TO PUBLIC HEALTH IF THE RULE IS NOT ADOPTED:** Trade work not completed according to the recently adopted codes could be a detriment to the health, safety and welfare of the public.
11. **DATE IMPACT STATEMENT PREPARED:** December 6, 2016.

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD  
CHAPTER 10. FINE SCHEDULE**

**SUBCHAPTER 1. GENERAL PROVISIONS**

**158:10-1-1.1. Definitions**

Unless the context otherwise requires, singular words shall be deemed to include the plural, and masculine words to include the feminine, and vice versa. The following words or terms, when used in this Chapter, shall have the following meaning unless the context clearly indicates otherwise:

"**Act**" means the Construction Industries Board Act as found at 59 O.S. § 1000.1, *et seq.*

"**Administrator**" means the Administrator of the Construction Industries Board as described in the Construction Industries Board Act.

"**Board**" means the Oklahoma Construction Industries Board.

"**Contracting**" means engaging or offering to engage in, on behalf of oneself or on behalf of another, any plumbing, mechanical, electrical, or roofing work which requires a valid and appropriate license or registration from the Construction Industries Board as required by the Plumbing License Law of 1955, the Electrical License Act, the Mechanical Licensing Act, or the Roofing Contractor Registration Act.

**SUBCHAPTER 3. ADMINISTRATIVE FINE SCHEDULE**

**158:10-3-4. Payment of fines**

(a) A person who is ordered to pay a fine shall submit the fine to the Construction Industries Board, 2401 N.W. 23, Suite 2F, Oklahoma City, Oklahoma 73107. A person who decides not to contest the issuance of the citation shall submit payment of the fine amount to the address above on or before the hearing date indicated on the citation.

(b) ~~Contractors or journeymen shall pay all~~ Any fines and penalties imposed by penalty orders of the ~~Electrical, Mechanical, Plumbing, or Inspector~~ Roofing by the respective Hearing Boards and/or the Board and fines and penalties imposed by courts of competent jurisdiction for the violation of municipal ordinances shall be paid.

(c) The Board may seek payment through the surety bond of any licensed Contractor for any fines or penalties, which the licensee fails to pay.

NOTICE OF RULEMAKING INTENT

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD  
CHAPTER 10. FINE SCHEDULE**

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. General Provisions

158:10-1-1.1 [AMENDED]

Subchapter 3. Administrative Fine Schedule

158:10-3-4 [AMENDED]

**SUMMARY:**

The proposed amendment to 158:10-1-1.1 adds a definition for "Contracting." The proposed amendment to 158:10-3-4 clarifies that the requirement to pay fines and penalties imposed by a trade Hearing Board (Electrical, Plumbing, Mechanical or Roofing), the Construction Industries Board, or a court of competent jurisdiction for the violation of municipal ordinances, is applicable to all parties upon which such a fine or penalty has been imposed.

**AUTHORITY:**

Construction Industries Board; 59 O.S. §§ 858-627, 1000.4, 1000.5, 1002, 1032, 1681, 1850.3, 1151.2a, and 1151.4

**COMMENT PERIOD:**

Written and oral comments will be accepted until 4:30 p.m. on January 17, 2017, at the following address: 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

**PUBLIC HEARING:**

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 18, 2017, at the meeting of the Construction Industries Board which will be held in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone wishing to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Linda Ruckman through the close of the comment period on January 17, 2017, at the address shown below for obtaining copies of the proposed rules.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules are available at the Construction Industries Board, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107, or online at [www.cib.ok.gov](http://www.cib.ok.gov).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 29, 2016, at the address listed above for obtaining copies of the proposed rules.

**CONTACT PERSON:**

Linda Ruckman, Board Secretary/Executive Assistant, 405-521-6550.