

RULE IMPACT STATEMENT

TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 30. PLUMBING INDUSTRY REGULATIONS

1. **BRIEF DESCRIPTION OF PURPOSE OF PROPOSED RULE:** The purpose of the proposed amendments to 158:30-1-2 is to provide the public a description of terms as the statutes have historically been applied by the agency. The purpose of the proposed amendments to 158:30-5-2 is to clarify the result of a contractor failing to maintain the required bond and insurance. The purpose of the amendments to 158:30-5-4 is to clarify that in order to obtain a plumbing license by reciprocity, there must be a written reciprocity agreement in force between the applicant's state and Oklahoma for the license the applicant is seeking. The purpose of the proposed amendments to 158:30-9-1 is to provide options for those no longer needing to hold a contractor license but still wanting to work in the trade; to establish a time limit for completing both portions of the contractor exam before an applicant is required to retake a portion they may have previously passed; to establish procedures which allow an applicant for a contractor license who passes only the trade portion of the contractor exam to apply the passing score of the trade portion to an application for a journeyman license; to allow an active or inactive contractor to elect to have a permanent change of license category and renew as a journeyman; and, to amend procedures/requirements related to an applicant who violates exam procedures. The purpose of the proposed amendment to 158:30-9-3 is to clarify the method by which license renewal fees can be paid. No fees are established or changed by the proposed amendments. The purpose of the proposed amendments to 158:30-9-4 is to remove obsolete, outdated verbiage, to clarify the manner in which continuing education programs must be conducted; to rescind approval of all types of continuing education courses upon the adoption of a different statewide code; and to amend the deadline for submission of applications for continuing education course approval.
2. **DESCRIPTION OF THE CLASSES OF PERSONS AFFECTED:** The agency, members of industry and the public who are involved in or wish to be involved in the plumbing industry/trade licensed and regulated by the Construction Industries Board ("CIB"), continuing education providers, and citizens of Oklahoma.
3. **CLASSES OF PERSONS BENEFITTED:** The agency, members of industry and the public who are involved in or wish to be involved in the plumbing industry/trade licensed and regulated by the Construction Industries Board ("CIB"), continuing education providers, and citizens of Oklahoma.
4. **ECONOMIC IMPACT UPON AFFECTED CLASSES OF PERSONS:** Having clear and unambiguous definitions should have a positive economic impact in that it should help to keep an individual from unknowingly committing a violation that could result in a fine or penalty. There is only an increased cost to an applicant for a contractor license if the applicant chooses not to take both portions of the contractor exam on the same day. Allowing an applicant for a contractor license who passes only the trade portion of the contractor exam to apply the passing score of the trade portion to an application for a journeyman license should have a positive economic impact upon the applicant because it would allow them to perform work, thus earning wages, as a journeyman until they meet

the requirements for a contractor license. The proposed rules allow options for those no longer needing to hold a contractor license, but still wanting to work in the trade. An active contractor who elects to have a permanent change of license category and renew as a journeyman would no longer have the expense of the bond and insurance required of contractors and would have a lower license renewal fee. An inactive contractor who elects such a permanent change of license category would have a lower license renewal fee. However, should such an individual later decide they want to again hold an active or inactive contractor license, they would have the cost of the bond and insurance, if applicable, the cost to retake the contractor exam, and the cost of the contractor license. There is no fee for submission of an application for continuing education course approval; therefore, the economic impact for submitting a new application when approval is rescinded upon adoption of a different statewide code would be the indirect cost (employee time, cost of materials, etc.).

5. **COSTS AND BENEFITS TO THE AGENCY:** Allowing an inactive or active contractor to elect a permanent change in licensing category and renew as a journeyman would result in a lower renewal fee collected by the CIB. The CIB does not collect any examination fees as those are paid directly to the testing vendor. Therefore, the proposed amendments that require an individual retake all or a portion of the contractor exam does not result in a cost or economic benefit to the agency. The cost to the agency related to proposed amendments requiring resubmission of applications for continuing education approval would be the indirect cost of employee time to review the applications.
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:** Licensing helps to protect the health, safety and welfare of the public. Having a time limit for an applicant to pass both portions of the contractor exam would help to ensure an individual issued a contractor license has knowledge of current, applicable plumbing codes, laws, rules, and practices.
10. **DETRIMENTS TO PUBLIC HEALTH IF THE RULE IS NOT ADOPTED:** There are no known detriments to public health if the rule is not adopted.
11. **DATE IMPACT STATEMENT PREPARED:** December 6, 2016.

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 30. PLUMBING INDUSTRY REGULATIONS**

SUBCHAPTER 1. GENERAL PROVISIONS

158:30-1-2. Definitions

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Act" means the Plumbing License Law of 1955 as found at 59 O.S. § 1001, *et seq.*, as amended.

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

"Applicant" means any person applying for an examination, for a license or registration, for continuing education approval, for review of plans and specifications or for a plumbing code variance from the standard of installation as described in OAC 158:30-1-4 by the Construction Industries Board under the Act.

"Board" means the Oklahoma Construction Industries Board.

"Bonds and Insurance Unit" means the consolidated unit that processes bonds and insurance under the direction of the Construction Industries Board.

"Cheating" means any unapproved deviation from any official instruction given before, during or after a license examination, for the purpose of affecting or influencing the examination results or otherwise providing an undue advantage to any examinee.

"Committee" means the Committee of Plumbing Examiners.

"Contracting" means engaging or offering to engage in, on behalf of oneself or on behalf of another, any plumbing work which requires a valid and appropriate license from the Construction Industries Board as required by the Plumbing License Law of 1955, regardless if said work is in exchange for monetary payment or otherwise.

"Credit Hour or Hour" means at least fifty (50) minutes of classroom instruction with a ten (10) minute break.

"Direct supervision" means the on-the-job presence by the supervisor who must be a licensed plumbing contractor or plumbing journeyman.

"Farm Operations"

(A) For purposes of the Plumbing License Law, "farm" means land devoted primarily to production for sale of livestock or agricultural commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(B) For purposes of the Plumbing License Law, "farm building" means all homes (i.e., domiciles, residences), or buildings therewith designed and used primarily for and in conjunction with conducting farming operations, provided that said buildings are not connected to a public water and/or sewage system. A "farm building" shall not include other structures such as stores, service stations, schools, motels, or any other building having public access, whether connected to private or public water or sewer systems.

"Hearing Board" means the Plumbing Hearing Board.

"Maintenance of state owned or operated facilities" means maintenance of state institutions and school districts and will be construed as all repair and/or upkeep of existing

plumbing or plumbing fixtures within existing state owned buildings or local school district owned buildings. This term shall not include the installation of plumbing in a new building or new additions to existing structures or replacement of plumbing systems in existing buildings.

"Oklahoma Uniform Building Code Commission" or **"OUBCC"** means the state agency created under 59 O.S. § 1000.20, *et seq.*, and authorized to adopt all building codes and standards for residential and commercial construction to be used as minimum standards by all entities within this State.

"Plumbing" means and includes:

- (A) all piping, fixtures, appurtenances and appliances for, and in connection with, a supply of water within or adjacent to any building, structure, or conveyance, on the premises and to the connection with a water main or other source of supply;
- (B) all piping, fixtures, appurtenances and appliances for sanitary drainage or storm drainage facilities, including venting systems for such facilities, within or adjacent to any building, structure, or conveyance, on the premises and to the connection with a public disposal system or other acceptable terminal;
- (C) the installation, repair, maintenance and renovation of all piping, fixtures, appurtenances and appliances for a supply of water, or for the disposal of waste water, liquid waste, or sewage within or adjacent to any building, structure, or conveyance, on the premises and to the source of supply of water or point of disposal of wastes;
- (D) the original installation of a water softener but not the exchanging of the units whereby only unions are disturbed in the replacement;
- (E) the installation of water services and building sewers; and
- (F) sewer cleaning-house sewer maintenance.

"Plumbing License Unit" means the staff and administrative support unit to the Committee of Plumbing Examiners and the Plumbing Hearing Board.

"Property of Residence" means permanently constructed residential property that is an existing single-family dwelling occupied by the individual owner as a primary dwelling where the individual owner's habitation is fixed.

"Reciprocity agreement" means an agreement whereby a person holding a plumber's license or registration who is licensed in another state with substantially similar or greater licensure requirements may be licensed in this State after payment of a fee for licensing by reciprocity.

"Variance" means the use of an alternative material or method of construction from that prescribed in the standard of installation as described in OAC 158:30-1-4 for use at a particular location or project specified in the variance application; and

"Variance and Appeals Board" means the Oklahoma State Plumbing Installation Code Variance and Appeals Board.

SUBCHAPTER 5. LICENSE TYPES, BOND REQUIREMENTS, AND DISPLAY OF LICENSE NUMBER AND FIRM NAME

158:30-5-2. Insurance and bond requirements

(a) Unless as otherwise provided in (b) of this Section: Each active plumbing contractor must maintain a five thousand dollar (\$5,000.00) corporate surety bond, payable to the Board, and

must cause the surety to deposit a copy of such bond with the Plumbing Licensing Unit.

(b) An active plumbing contractor may satisfy the requirements of (a) of this Section by depositing with the Plumbing Licensing Unit, either the sum of \$5,000 cash, or a certificate of deposit in the sum of \$5,000 payable to the order of the Plumbing Licensing Revolving Fund.

(c) Failure to maintain a corporate surety bond in effect shall constitute an inactive contractor status ~~grounds for summary suspension~~ of a bonded plumbing contractor license immediately upon the expiration of such bond.

(d) A corporate surety bond may be accepted from any surety authorized to do business in the State of Oklahoma. It shall continue in effect until thirty (30) days have elapsed after the Bond and Insurance Unit is notified by the surety of the cancellation of such bond, unless the bond expired on a date certain on its face. Sureties must notify each municipality furnished with a copy of the bond regarding the pending cancellation if known to them.

(e) The Board shall notify the surety of the ~~summary suspension or revocation of the~~ change in license status of any of its bonded licensed plumbing contractors.

(f) A bond or other surety filed in accordance with (a) of this Section shall be in lieu of filing a bond with each municipality where the plumbing contractor works, and shall be conditioned upon all the following terms:

(1) Plumbing contractors shall faithfully and properly conduct business in compliance with applicable statutes, rules of the Oklahoma Construction Industries Board, and with all the applicable ordinances of the municipality in which plumbing work is performed.

(2) Plumbing contractors shall pay all fines and penalties imposed by penalty orders of the Board and fines and penalties imposed by courts of competent jurisdiction for the violation of municipal ordinances. The Board may seek payment through the surety bond of any fines or penalties, which the licensee fails to pay.

(3) In lieu of a corporate surety, an active plumbing contractor may deposit with the Bonds and Insurance Unit the required amount in lawful money or negotiable bonds of the United States, accompanied by a written instrument, to be approved by the Construction Industries Board, executed and acknowledged by the active plumbing contractor, and setting forth the conditions upon which the deposit is made. When the true owner is other than the active plumbing contractor making the deposit, the instrument shall so state and shall also be executed and acknowledged by the true owner. Upon exoneration, the instrument and deposit may be returned by the Bonds and Insurance Unit to the depositor or the true owner, if the depositor is other than the named true owner, after application of the deposit to claims made pursuant to this Section.

(4) Notwithstanding any provision of a security instrument to the contrary, every surety or depositor of security subjects himself or herself to the jurisdiction of the Construction Industries Board and irrevocably appoints the Administrator as his or her agent upon whom any papers affecting his or her liability may be served. Every surety or depositor of security consents to his or her liability being joint and several. Consequently, judgment may be entered against the surety, or depositor of security, in accordance with his or her obligation simultaneously with judgment against the principal, and execution may thereupon issue.

(5) Plumbing contractors shall protect, save harmless and indemnify the State and municipalities against any liability imposed by law against the State and municipalities for the negligence of said contractor arising from any act or omission while engaged in work pursuant to the Plumbing License Law.

- (6) Any aggrieved person may bring an action upon the bond for the recovery of penalty thereof to the same extent and with equal rights as though such aggrieved person had been named as the obligee in the bond.
- (7) For purposes of this Section, the term plumbing contractor also includes the agents, servants, and employees of a plumbing contractor.
- (g) Exceptions. The bond and insurance requirement will be waived if:
- (1) The plumbing contractor wishes to be inactive. A contractor may choose to place his or her license on inactive status and may practice as a journeyman but shall not practice as an active contractor. The inactive contractor can obtain an active license at any time if his or her license is valid and the bond and insurance requirements are met; or
 - (2) The plumbing contractor is employed by a corporation, partnership, public entity, or political subdivision and said corporation, partnership, public entity or political subdivision submits an affidavit on behalf of the contractor that the employee will only perform plumbing work on property owned by said corporation, partnership, public entity, or political subdivision and the employer assumes all financial responsibility in lieu of the contractor providing bond and insurance. The affidavit must include a statement by the employer that the Board will be notified if the contractor is no longer employed by said employer, or if the employer no longer wishes to assume financial responsibility for the contractor.
- (h) Insurance. A plumbing contractor shall provide proof of financial responsibility by providing a certificate of insurance, which indicates a minimum general liability policy of \$50,000.

158:30-5-4. Plumbing journeymen and contractor licenses by reciprocity

- (a) **General procedures for application.** Any person holding a valid plumbing journeyman license or plumbing contractor license issued by another state who is seeking to obtain a license by reciprocity shall first submit an application to the Construction Industries Board on a form provided by the Board and confirm that a written reciprocity agreement exists between the applicant's state and Oklahoma for the license the applicant is seeking. The application shall include all documentation necessary to show the applicant meets the requirements established by the Act and this Chapter. All applications shall first be directed to the Committee or its designee for an initial review to determine if the applicant meets the qualifications for a license by reciprocity as set forth in this Chapter and in 59 O.S. § 1000.5A or any subsequent enactment of the Legislature. Following this review, the Committee or its designee shall make a recommendation to the Board or its designee as to whether the application should be approved or disapproved. The Board or its designee shall make the final determination as to whether an application shall be approved or disapproved. If the Board or its designee disapproves an application, the application shall be returned to the applicant with the reason for the disapproval.
- (b) **Application fees.** Before an application will be considered, a person applying for a plumbing journeyman license by reciprocity must pay the journeyman application fee and the initial journeyman license fee as set forth in OAC 158:30-9-2. If the person is applying for a plumbing contractor license, the person must pay the contractors application fee and the initial contractor license fee as set forth in OAC 158:30-9-2. These fees shall not be refundable under any circumstances.
- (c) **Requirements for issuance of a license by reciprocity.** An application for a license by reciprocity may be approved upon a satisfactory showing by the applicant of the following:

(1) That the requirements for licensure from the state in which the applicant is licensed are determined to be substantially the same or equivalent to the requirements for obtaining a license by examination in this State. In making this determination the following shall be considered:

(A) Whether the experience required by the other state to be eligible to sit for the license examination is substantially the same or equivalent to the Board's requirements;

(B) Whether the continuing education requirements of the other state are substantially the same or equivalent to the Board's requirements;

(C) Whether the codes adopted by the other state are substantially the same or equivalent to the Board's requirements;

(D) Whether the examination of the other state is substantially the same or equivalent to the Board's requirements. This shall include the score required to pass the examination, the subject matter of the examination, the codes on which the examination is based, and whether the examination is in written form.

(2) That the other state will recognize a license issued by the State of Oklahoma through the Construction Industries Board. Paragraphs (1) and (2) of this subsection may only be satisfied by the existence of a reciprocity agreement between the Board and the state issuing the applicant's current license as provided in (d) of this Section.

(3) That the applicant is currently licensed by a state that meets the requirements of (1) of this subsection and that one (1) year immediately prior to the application, the applicant lawfully practiced an applicable trade within and under the laws of that state.

(4) That no disciplinary matters are pending against the applicant in any jurisdiction in which the applicant is currently licensed. This requirement will be considered satisfied upon presentation of a certified statement from the licensing authorities of all jurisdictions in which the applicant is currently licensed that no disciplinary matters are pending against applicant.

(5) That the applicant obtained the license to be reciprocated by examination.

(d) **Reciprocity agreements.** The Board may enter into a reciprocity agreement with another state if the requirements for licensure in the other state are deemed by the Board to be substantially the same or equivalent to the requirements for obtaining an original license by examination in this State.

(e) **Additional requirements for contractor applicants.** Applicants seeking a plumbing contractor license by reciprocity who meet the necessary qualifications for a license as required in this Section and for which there is a written reciprocity agreement for contractors, will be granted a journeyman license by reciprocity. The applicant will be issued a contractor license upon successfully passing the Oklahoma Plumbing Contractor Business and Law portion of the full contractor examination and satisfaction of the bonding and insurance requirements of OAC 158:30-5-2.

SUBCHAPTER 9. EXAMINATION PROCEDURES, LICENSE AND REGISTRATION FEES AND DURATION OF LICENSES

158:30-9-1. Examination and licensure procedures

(a) The plumbing standards for the plumbing examination shall be the standard of installation as described in OAC 158:30-1-4.

(b) Any previously certified examination may be used to meet an examination requirement pursuant to the Act and this Chapter.

(c) Examination for a plumber's license shall include, but not be limited to, written questions and drawings and/or charts.

(d) The maximum grade value of each part of the plumbing examination shall be 100 points. An examinee must make 75% or more on each part, to pass the examination.

(e) Applicants for a contractor license must pass both portions (business/law and trade) of the contractor license exam. If an applicant for a contractor license passes only one of the two portions of the required exam, the applicant need only retake the portion of the exam not passed if done within three (3) years of the date the Applicant is approved and eligible to sit for the contractor's exam. Otherwise, the Applicant will need to retake both portions of the contractor license exam.

(f) If an applicant for a contractor license passes only the trade portion of the contractor exam, the applicant may choose to apply the passing score of the trade portion of the contractor exam to a journeyman license application. All other requirements in the Act and this Chapter for a journeyman license are required, including but not limited to, completing the journeyman application form and submitting any applicable fee, both of which must be received by the Board no more than one year after passing the trade portion of the contractor exam. The timeframe to complete both portions of the contractor exam as provided in (e) of this Section is applicable even if a journeyman license is obtained under this subsection.

(g) A contractor license, whether active or inactive, must be renewed annually including completing the renewal form and paying the renewal license fee for a contractor license. An inactive contractor status may be changed to active contractor status at any time by providing proof of compliance with bond and insurance requirements as provided in this Chapter. A contractor, whether active or inactive, can elect to renew as a journeyman with filing of a journeyman renewal application and fee which election will be considered a permanent change of license category. If a permanent license category change occurs and the individual wants to change from journeyman to contractor category, either active or inactive, the individual must retake and pass the contractor license exam and meet all other contractor license requirements in the Act and this Chapter.

~~(e)~~(h) Applicants for the plumbing contractor examination must be capable of reading English without assistance. A person who cannot meet this requirement may request a hearing before the Committee to request reasonable accommodations.

~~(f)~~(i) Except as authorized by the Plumbing Examiners Committee, no person, other than examinees, shall be permitted in the examination area.

~~(g)~~(j) ~~An examinee who is caught cheating during the course of an examination shall be deemed to have failed the examination. Any applicant who violates exam procedures as determined by the examination provider, including but not limited to cheating, misrepresenting oneself as another, or inappropriate actions during an examination may be immediately notified and expelled from the examination. Furthermore, the applicant's exam will be considered invalid and the applicant will be disqualified from retaking the exam for a period of time no less than 30 days and no more than 365 days as determined by the Administrator of the Construction Industries Board.~~

~~(h)~~(k) Applicants for the journeyman examination must be eighteen (18) years of age or older and have:

- (1) three (3) years of experience in the plumbing trade while employed by a licensed

Plumbing contractor; or

(2) equivalent verifiable three (3) years of experience in the plumbing trade while serving in the U.S. military; or

(3) a verifiable out-of-state plumbing license that must be:

(A) current, and

(B) in good standing.

~~(i)~~(l) Applicants for the contractors examination must be eighteen (18) years of age or older and have four (4) years of experience in the plumbing trade while employed by a licensed Plumbing contractor.

~~(j)~~(m) Applicants for plumbing license examinations who are not licensed and wish to include experience gained in Oklahoma must maintain an apprentice registration on file with the Oklahoma Construction Industries Board for all experience obtained in Oklahoma. The Construction Industries Board will not consider experience obtained in or outside of Oklahoma as verifiable experience for periods in which an apprentice is unregistered, except for experience lawfully obtained according to any applicable federal or state laws, and must be comprised of plumbing work as defined in the Act and in this Chapter.

~~(k)~~(n) The following may be substituted for a portion of the experience requirement in ~~(h)~~(1)~~(k)~~(1) and ~~(i)~~(l) of this Section:

(1) An associate degree or Career Tech diploma certifying completion of a plumbing educational program consisting of a minimum of one thousand (1,000) classroom hours from a school, approved by the Committee, may be substituted for two (2) years of experience.

(2) A Career Tech diploma certifying completion of an educational program consisting of a minimum of five hundred (500) classroom hours from a school, approved by the Committee, may be substituted for one (1) year of experience.

(3) A Career Tech diploma certifying completion of an educational program consisting of a minimum of three hundred and seventy five (375) classroom hours from a school, approved by the Committee, may be substituted for three-fourths (3/4) of a year, or nine months of experience.

(4) A Career Tech diploma certifying completion of an educational program consisting of a minimum of three hundred and thirty four (334) classroom hours from a school, approved by the Committee, may be substituted for two-thirds (2/3) of a year, or eight months of experience.

(5) A Career Tech diploma certifying completion of an educational program consisting of a minimum of two hundred and fifty (250) classroom hours from a school, approved by the Committee, may be substituted for one-half (1/2) year, or six months of experience.

~~(l)~~(o) The fees for a license must be on deposit with the Administrator in advance of the examination.

~~(m)~~(p) If the applicant fails to meet the minimum qualifications to take the examination, the application fee will be forfeited.

158:30-9-3. Duration of licenses

(a) All licenses shall have a duration of no longer than one (1) year, and shall expire on the last day of the birth month of the licensee each year.

(b) Before any license may be renewed, all applicable continuing education requirements must be met.

(c) Any license issued by examination may be renewed by submitting the renewal application and the license fee for the next year by check or money order, or other payment method as provided, which must be delivered or mailed on or before the birth month expiration date, ~~or by credit card through a state-wide internet online licensing system.~~

(d) An expired license issued by examination may be reinstated by submitting the license renewal fee and late fee with the filing of a renewal application and proof of meeting all license renewal requirements.

(e) A licensee who, during an investigation of the licensee by the Construction Industries Board, surrenders their license shall be treated as if the license had been revoked for one (1) year from the day of surrender.

(f) A license cannot be renewed until the licensee has paid any and all outstanding fines due and owing to any division of the Construction Industries Board.

158:30-9-4. Continuing Education

(a) **Continuing education requirements.**

(1) ~~By July 1, 2014, no~~ No contractor or journeyman license shall be renewed unless the licensee has completed at least six (6) hours of continuing education ("CE"); ~~and thereafter, the licensee shall complete six (6) hours every three (3) years or thirty-six (36) months preceding the license expiration date.~~ The continuing education course and instructor shall be approved in advance by the Committee. Exceptions to advance approval, or post-course approval, may be allowed by the Committee, or its designee, for substitute instructors in emergency situations when written notice of the emergency is provided to the Committee or its designee within seven (7) days of the course. The continuing education material shall cover codes and revisions adopted by the OUBCC and/or other trade related subject matters appropriate for topics of continuing education for licensees and approved by the Committee including: examination materials, manufacturers' installation of equipment or parts, the licensing Act, the trade regulations as set forth in this Chapter as well as the rules of the Construction Industries Board in OAC 158:10, and other trade or safety related subject matters approved by the Committee.

(2) If a license expires before the licensee completes the CE requirement, any CE that is completed while the license is expired will be applied to the CE requirement for the thirty-six (36) months preceding the date the license expired. Six (6) hours of CE will still have to be completed in order to meet the CE requirement for the subsequent thirty-six (36) month period.

(3) Credit will be given for CE programs including correspondence and online courses approved by the Plumbing Examiners Committee or its designee.

(4) Except as provided herein this Section shall apply to every journeyman or contractor licensed by the Construction Industries Board.

(5) A licensee is exempt from the educational requirements of this Section for three (3) years from the date he or she passed their current licensing exam.

(b) The following standards will govern the approval of continuing education programs by the Committee.

(1) The program must be offered by a provider having substantial, recent experience in offering continuing education or demonstrated ability to organize and present effectively continuing education. Demonstrated ability arises partly from the extent to which

individuals with trade training or educational experience are involved in the planning, instruction and supervision of the program.

(2) If written materials are provided, the materials must be thorough, high quality, readable, and must be made available to all participants at or before the time the course is presented.

(3) The program must be conducted in a comfortable physical setting which is conducive to learning.

(4) The program itself must be conducted by an individual or group qualified by practical or academic experience. The program including the named advertised participants must be conducted substantially as ~~planned~~ approved, including lunch and breaks shown on the approved agenda, subject to emergency withdrawals and alterations.

(5) Changes including but not limited to location, date, instructors, or cancellations must be requested from the Committee or its designee in writing prior to the start of class. All requests for change must include the Course ID number.

(6) The training location shall be outside the regular work place or after regular working hours.

(7) A credit hour is at least fifty (50) minutes of instruction with a ten (10) minute break.

(8) CE courses shall be presented in one of the following formats:

(A) Six (6) credit hours presented on one (1) day

(B) Two sessions of three (3) credit hours each presented within a seven (7) day period

(C) One (1) session of two (2) credit hours for the purposes of presenting a manufacturers' installation course,

(D) An approved correspondence or online course, or

(E) Another format approved by the Committee.

(9) Verification of Credit.

(A) The Course Provider shall verify the total number of continuing education hours completed by each attendee.

(B) Continuing education providers shall require attendees to present a photo I.D. prior to the attendee signing the sign-in sheet provided by the Construction Industries Board. Sign-in sheets shall include the name and license number of each licensee in attendance.

(C) As soon as practicable but in any event on or before seven (7) days following an approved education program, the provider shall furnish to the Plumbing License Unit the original sign-in sheets from the course.

(D) Providers must maintain copies of all sign-in sheets for a period of two (2) years following the conclusion of the course.

(10) Course providers or instructors may not advertise or promote the sale of any goods, products or services between the opening and closing of any Continuing Education Course.

(c) Any organization desiring approval of a course shall apply to the Plumbing Examiners Committee by submitting an application on a form to be obtained from the Construction Industries Board and supporting documentation at least fifteen (15) days prior to the date of the Regular meeting of the Committee from which the organization wants the course to be considered for approval, and at least thirty (30) days prior to the date for which the course is

scheduled. An application is to be submitted for each date or set of dates that constitute a single class. Each class must be included on a separate application. The Committee or its designee will review each application for completeness of form and supporting documentation as well as course content. The applicant will be notified in writing by mail whether the program is approved or disapproved. Applicants denied approval of a course may appeal such a decision by submitting a letter of appeal to the Committee within fifteen (15) days of the receipt of the notice of disapproval. All appeals will be heard by the Committee at its next regularly scheduled meeting.

- (1) Supporting documentation includes:
 - (A) resumes or a brief summary of qualifications for all instructors providing instruction for the class,
 - (B) a class agenda designating beginning and ending of actual instructional times, sign-in times, breaks, lunches and evaluation time, and
 - (C) A class curriculum indicating the subject or code areas to be taught with sufficient detail to determine which code revisions are to be addressed or the product for which the installation education is being provided.
 - (2) The Committee or its designee may refuse to accept any application for approval if the supporting documentation is insufficient or incomplete. The Committee may deny or revoke approval of an application for any of the following reasons:
 - (A) Failure to comply with the continuing education provisions;
 - (B) Inadequate application or supporting documentation;
 - (C) Failure to instruct on the topic approved, or
 - (D) Unsatisfactory assessments of the course, instructor, or materials from previous classes.
 - (3) If an application is refused or disapproved, written notice detailing the basis of the decision shall be provided to the applicant.
 - (4) The Committee may at any time reconsider and grant or revoke approval of an application or course.
 - (A) The Committee may at any time review courses for quality in instruction. The Committee shall also investigate and take appropriate action, up to and including revocation of authority to provide CE, regarding complaints involving approved courses.
 - (B) A provider's failure to comply with the provisions of this Section constitutes grounds for disciplinary action, up to and including revocation of authority to provide CE, against the provider or for denial of future applications for coursework.
 - (5) Approval of any course, including a correspondence or online course, is rescinded upon the adoption of a different statewide code and a new application showing updated course subject matter and materials is necessary in order to obtain updated course approval.
- (d) **Course advertisement.**
- (1) All advertising must include the course identification number.
 - (2) Approved program courses may be advertised.
 - (3) The provider of an approved continuing education program may announce or indicate as follows: Course # _____ has been approved by the Construction Industries Board Plumbing Examiners Committee for _____ hours of CE credit.

(e) **Correspondence or online course approval.**

(1) Entities seeking to offer correspondence courses for continuing education shall submit a course curriculum and study material for review and approval by the Committee prior to the courses being offered as continuing education. Approved correspondence courses shall be required to comply with all requirements for other continuing education courses except for sign-in sheets. Providers shall provide a student with a document of completion which certifies completion of approved correspondence courses.

(2) Providers seeking to offer online courses for continuing education shall submit a course curriculum and study material for review and approval by the Committee prior to the courses being offered as continuing education. An access code and password shall be provided to the Committee, or its designee, for an online course for the purpose of review and approval. Providers of an on-line course shall submit verification of six (6) hours of real time on-line instruction. Correspondence or online courses shall have sufficient explanation and or graphics to expound the concepts being taught. The format of the online course shall be constructed so as to elicit interaction between the student and the material presented. Each page of text shall be designed with a question that must be answered before advancing to the next page or a test at the end of a subject matter before the course is considered complete. Providers shall provide a student with a document of completion that shall certify completion of an approved online course.

~~(3) Approval of any correspondence or online course is rescinded upon the adoption of a different statewide code and a new application showing updated course subject matter and materials is necessary in order to obtain updated course approval.~~

~~(4) Applications for correspondence or online courses shall be resubmitted annually, from date of approval, for review and approval.~~

(f) **Alternate Credit accrual.**

(1) Credit may be earned through teaching in an approved continuing education class. The Committee may award up to six (6) hours of CE credit not to exceed the number of approved hours for that CE class.

(2) Credit may also be earned through teaching a course in an accredited trade school or a trade-specific program approved by the Committee. The Committee may award up to six (6) hours of CE credit for each semester of academic credit awarded by the academic institution for the course.

(g) **Complaint procedure.**

(1) A person, government, or private organization may submit a written complaint to the Committee, or its designee, charging a provider of continuing education with a violation of this Section, and specifying the grounds for the complaint.

(2) Complaints must be in writing and include contact information, and shall be filed on the proper complaint form prescribed by the Construction Industries Board, or its designee.

(3) The Committee may consider an unsigned or anonymous complaint for further investigation.

(4) Upon receipt of a signed complaint form, a copy shall be sent to the continuing education provider addressed in the complaint. The continuing education provider shall provide a written response within fifteen (15) days. Upon receipt of the continuing education provider's written response, both complaint and response shall be considered by the Committee, or its designee, for appropriate action including dismissal of the complaint, further investigation, or a finding of violation of the Act or this Chapter. The Committee, or

its designee, shall notify both complainant and continuing education provider of the determination made by the Committee. Failure of the continuing education provider to respond will be considered as a violation of this Section.

(5) If a reasonable cause violation determination is made by the Committee, the Oklahoma Administrative Procedure Act shall be followed for all disciplinary proceedings undertaken.

NOTICE OF RULEMAKING INTENT

TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 30. PLUMBING INDUSTRY REGULATIONS

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

158:30-1-2 [AMENDED]

Subchapter 5. License Types, Bond Requirements, and Display of License Number and Firm Name

158:30-5-2 [AMENDED]

158:30-5-4 [AMENDED]

Subchapter 9. Examination Procedures, License and Registration Fees and Duration of Licenses

158:30-9-1 [AMENDED]

158:30-9-3 [AMENDED]

158:30-9-4 [AMENDED]

SUMMARY:

The proposed amendments to 158:30-1-2 clarify that an applicant includes an applicant for continuing education approval, and add definitions for "Contracting," "Credit Hour or Hour," and "Property of Residence." The proposed amendments to 158:30-5-2 provide that failure of a plumbing contractor to maintain the required surety bond will result in their license status being "inactive," and that the Construction Industries Board will notify a surety of a change in license status of any of its bonded licensed plumbing contractors. The amendments to 158:30-5-4 provide that in order for a journeyman or contractor to be licensed by reciprocity, a written reciprocity agreement must exist between the applicant's state and Oklahoma for the license the applicant is seeking. The amendments to 158:30-9-1 provide a time limit by which an applicant for a contractor license must pass both portions of the contractor exam, business and law portion and trade portion, after which they would be required to retake both portions; establish procedures by which an applicant for a contractor license who passes only the trade portion of the contractor exam may apply the passing score of the trade portion to an application for a journeyman license; establish procedures by which an active or inactive contractor may elect to have a permanent change of license category and renew as a journeyman; and amend procedures/requirements related to an applicant who violates exam procedures as determined by the examination provider. The amendments to 158:30-9-3 address the manner in which payment for renewal of a license can be made. The amendments to 158:30-9-4 remove obsolete, outdated verbiage; clarify that continuing education programs have to be conducted substantially as shown on the agenda approved by the Plumbing Examiners Committee; amend the deadline for submission of applications for continuing education course approval; clarify that the rescission of continuing education course approval upon adoption of a different statewide code applies to all types of continuing education courses.

AUTHORITY:

Construction Industries Board: 59 O.S. §§ 1000.4(A)(1) and 1002.

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 monthly meeting of the Construction Industries Board which will be held in the Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes 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

NOTICE OF RULEMAKING INTENT

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.

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.