

## RULE IMPACT STATEMENT

### TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 40. ELECTRICAL INDUSTRY REGULATIONS

1. **BRIEF DESCRIPTION OF PURPOSE OF PROPOSED RULE:** The purpose of the proposed amendments to 158:40-1-2 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 158:40-5-5 is to clarify the result of a contractor failing to maintain the required bond and insurance. The purpose of the amendments to 158:40-9-2 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 an unlimited 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 individual holding a current active or inactive contractor license to pursue other category contractor applications in the electrical trade without being required to retake the business and law portion of the exam if they previously successfully passed the business and law portion; 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 The purpose of the proposed amendments to 158:40-9-4 is to remove obsolete, outdated verbiage; to clarify the manner in which continuing education programs must be conducted; to rescind approval of continuing education courses upon the adoption of a different statewide code; to amend the deadline for submission of applications for continuing education course approval; and, to require that applications for correspondence or online courses be resubmitted annually from date of approval for review and 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 electrical 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 electrical 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 an unlimited 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. Allowing an individual with a current active or

inactive contractor license to pursue other category contractor applications without retaking the business and law portion of the exam could have a positive economic impact on such individual because it would shorten the time they would need to study/prepare for the contractor exam giving them the ability to acquire the license in another category sooner and increasing the scope of electrical work they would be able to perform to earn wages. 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 applications for continuing education course approval; therefore, the economic impact for resubmitting an application 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 or that waive a requirement to take the business and law portion of the contractor exam do 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 the agency to ensure an individual issued a contractor license has knowledge of current, applicable electrical 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 40. ELECTRICAL INDUSTRY REGULATIONS**

**SUBCHAPTER 1. GENERAL PROVISIONS**

**158:40-1-2. 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 Electrical License Act as found at 59 O.S. § 1680, *et seq.*

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

"**Alarm Endorsement**" or "**Alarm Endorsement registration**" means a licensed electrician or registered electrical apprentice who has met the endorsement registration requirements may install, service, or repair alarm or security systems or electronic security devices such as residential or commercial burglar alarms or security systems, electronic access control, closed circuit television, nurse call systems and the like.

"**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 an electrical code variance from the standard of installation as described in OAC 158:40-1-4 by the Board under the Act.

"**Apprentice**" means an electrical worker registered pursuant to OAC 158:40-5-1 who is limited to working for a contractor and is directly supervised by a licensed contractor or journeyman with the appropriate license classification for the work being performed.

"**Associated with and responsible for**" means the relationship between an electrical contractor and electrical firm based on the electrical contractor being a permanent employee, owner, partner, or officer in a corporate firm, and whereby the electrical contractor shall give full time to the supervision and control of operations necessary to secure full compliance with the provisions of the Electrical License Act and this Chapter.

"**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 Electrical Examiners.

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

"**Contractor**" means a person who meets the definition of 59 O.S. § 1682(5) and is licensed in the appropriate category for any electrical work performed.

"**Continuing Education Credit Hour**" means at least sixty (60) minutes of classroom instruction.

"**Direct supervision**" means the on-the-job presence by the supervisor who must be a licensed electrical contractor or electrical journeyman in the appropriate category for any electrical work supervised.

**"Electrical facility"** means wiring, fixtures, appurtenances and appliances used for and in connection with a supply of electricity, but excludes the connection with a power meter or other supply source.

**"Electrical firm"** means any firm, corporation, partnership, sole proprietorship, joint venture or any other business entity engaged in the business of planning, contracting, supervising or furnishing labor or labor and materials for the installation, repair, maintenance or renovation of electrical facilities according to the Act.

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

**"Electrical maintenance"** means electrical work limited to maintaining existing electrical systems, facilities or equipment by an employee of a person, company, corporation or entity owning the electrical systems, facilities or equipment. Maintenance shall not include any alterations or additions to existing systems, facilities or equipment.

**"Electrical work"** means work on "electrical facilities" as that term is defined in 59 O.S. § 1682.

**"Hearing Board"** means the Electrical Hearing Board created by the Act.

**"Inactive contractor"** means any class of licensed electrical contractor who has formally and voluntarily placed their contractor's license in an inactive status.

**"Journeyman electrician"** or **"journeyman"** means any person, other than a contractor or apprentice, who engages in the installation, repair, maintenance or renovation of electrical facilities according to the Act, in the category in which the person is licensed.

**"Limited electrical contractor"** means any person who has qualified and become licensed in accordance with OAC 158:40-7-4. Such person is prohibited from engaging in the work of a journeyman electrician.

**"Military electrical experience"** means verifiable military experience in electrical work which is the same as or similar to electrical construction work as defined in the Act.

**"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.

**"Reciprocity agreement"** means an agreement whereby a person holding an electrical license or registration who is licensed in other states with substantially similar or greater licensure requirements may be licensed in this State after payment of a fee for licensing by reciprocity.

**"Refinery Electrical Journeyman"** means an electrician licensed as a refinery electrical journeyman electrician pursuant to OAC 158:40-7-6 and is limited to performing electrical work only in refinery facilities.

**"Residential contractor"** means an electrician licensed as a residential contractor pursuant to OAC 158:40-7-2 and is limited to performing residential electrical construction work.

**"Residential journeyman"** means an electrician licensed as residential journeyman electrician pursuant to OAC 158:40-7-2 and limited to performing residential electrical construction work.

**"Temporary electrical journeyman"** means an electrician temporarily licensed by the Oklahoma Construction Industries Board as a journeyman electrician and is limited to electrical construction per the equivalent temporary journeyman classification determined by the Board.

**"Variance"** means the use of an alternative material or method of construction from that prescribed in the standard of installation as described in OAC 158:40-1-4 for use at a particular location or project specified in the variance application; and

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

## **SUBCHAPTER 5. LICENSING REQUIREMENTS, DISPLAY OF LICENSE, AND FIRM NAME, AND BOND REQUIREMENTS**

### **158:40-5-5. Bond and insurance requirements**

(a) Each active electrical contractor must furnish a license bond in the amount of \$5,000.00 to the Bonds and Insurance Unit. This bond is to be a continuous bond with a thirty (30)-day cancellation notice. Such bond shall be conditioned upon faithful and lawful performance of all work entered upon by the contractor within the State of Oklahoma and shall be for the benefit of persons injured or suffering financial loss by reason of failure of such performance. The bond will be filed with the Bonds and Insurance Unit of the Oklahoma Construction Industries Board and be in lieu of all other license bonds to any political subdivision.

(b) Each active electrical contractor must maintain insurance coverage and furnish and maintain in effect in the Bonds and Insurance Unit of the Oklahoma Construction Industries Board, Electrical Licensing Unit, a certificate of insurance therefore which indicates that the electrical contractor has a comprehensive general liability policy including manufacturers and contractors, completed operations, and independent contractors liability coverage. Limits of liability are to be no less than \$50,000.00 combined single limit for bodily injury and property damage.

(c) Each active electrical contractor shall be aware of the requirements of Titles 85 and 85A of the Oklahoma Statutes (Workers' Compensation Acts and the Rules and Regulations of the Workers' Compensation Court of the State of Oklahoma), and indicate in the space provided on the application compliance therewith.

(d) Failure to provide the complete information with current bond and insurance certificate will result in an inactive electrical contractor's license being issued until such time as the requirements are met. Failure to maintain the bond and insurance in force, as required, will result in ~~the summary suspension of the electrical contractor's active license and~~ the issuance of an inactive license to said electrical contractor.

(e) Electrical 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.

(f) Exceptions. The bond and insurance requirement will be waived if the electrical 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 electrical 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.

**SUBCHAPTER 9. EXAMINATION APPLICATIONS, EXAMINATIONS AND  
LICENSE AND REGISTRATION FEES AND RENEWALS**

**158:40-9-2. Examinations and licensure**

(a) Electrical license examinations may include, without limitation, the following parts:

- (1) Written questions, consisting of open book, closed book and problems, based on the standard of installation as described in OAC 158:40-1-4 and other related questions; and
- (2) Practical shop, which for contractors shall also include written questions on job estimating and the laws and regulations relating to electricians as found in the Act and this Chapter.

(b) 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.

(c) If an applicant for an unlimited 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 (b) of this Section is applicable even if a journeyman license is obtained under this subsection.

(d) 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) If an active or inactive contractor license is current, the Applicant may pursue other category contractor applications in the same trade without being required to retake the business and law portion of the exam if the business and law portion was successfully passed previously.

~~(b)~~(f) The maximum grade value of each part of the examination shall be 100 points. A passing score is 75% or more on each part.

~~(e)~~(g) Each applicant shall pay all examination and license fees before undertaking any examination. If the applicant fails to meet the minimum qualifications to take the examination, the application fee will be forfeited. Reexamination fees shall be the same as the initial examination fees.

~~(d)~~(h) Applicants for a contractor license must be capable of reading without assistance.

~~(e)~~(i) Unless authorized by the Administrator, only examinees shall be permitted in the

examination area.

~~(f)~~(j) Any applicant who fails a first examination must wait thirty (30) days before taking any other electrical examination. All subsequent failures will result in a waiting period of at least ninety (90) days.

~~(g)~~(k) Applicants shall present positive identification before undertaking an examination.

~~(h)~~ (l) ~~An examinee cheating or fraudulently representing an applicant shall immediately be expelled from the examination. A written record of the proceedings shall be made and become a part of the applicant's file. The Administrator shall determine when the applicant may retake the exam, which time shall be no fewer than thirty (30) days and no longer than three hundred sixty-five (365) days. 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.~~

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

#### **158:40-9-4. 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 approved by the 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 changes must include the Course ID number.
- (6) The training location shall be outside the regular work place or after regular working hours.
- (7) Each attendee of a continuing education course shall have, or otherwise be provided with, a copy of the OUBCC's most recently adopted edition of the National Electrical Code and revisions for use during the duration of the course.
- (8) Sixty (60) minutes constitutes one (1) instructional hour.
- (9) CE courses shall be presented in one of the following formats:
  - (A) Six instructional hours presented on one day
  - (B) Two sessions of three instructional hours each presented within a seven day period
  - (C) An approved correspondence or online course, or
  - (D) Another format approved by the Committee.
- (10) 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 Electrical License Unit the original sign-in sheets.
  - (D) Providers must maintain copies of all sign-in sheets for a period of two (2) years following the conclusion of the course.
- (11) 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.



(12) 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.

(c) **Submission of application for course approval.** Any organization desiring approval of a course shall apply to the 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 provider 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, lunch 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.

(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 evaluations 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 re-evaluate and grant or revoke approval of an application or course.

(A) The Committee or its designee shall be granted access to attend, observe and audit any continuing education course approved by the Committee.

(B) 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.

(C) A provider's failure to comply with 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.

(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 Electrical Examiners Committee for \_\_\_\_\_ hours of CE credit.

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

(1) Providers seeking to offer correspondence or online courses for continuing education shall submit a course curriculum and study material for review and approval by the Committee, or its designee, 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. Correspondence or online courses shall have sufficient explanation and or graphics to expound the concepts and changes 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. Approved correspondence and online 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 that shall certify completion of an approved correspondence or online course.

(2) 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 40. ELECTRICAL INDUSTRY REGULATIONS**

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Subchapter 1. General Provisions

158:40-1-2 [AMENDED]

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

158:40-5-5 [AMENDED]

Subchapter 9. Examination Applications, Examinations and License and Registration Fees and Renewals

158:40-9-2 [AMENDED]

158:40-9-4 [AMENDED]

#### **SUMMARY:**

The proposed amendments to 158:40-1-2 clarify that an applicant can also be an applicant for continuing education approval, and add definitions for "Contracting" and "Continuing Education Credit Hour." The amendments to 158:40-5-5 provide that failure of a contractor to maintain the required bond and insurance in force results only in the issuance of an inactive license to said contractor. The amendments to 158:40-9-2 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 an unlimited 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; allow an individual who has a current active or inactive contractor license to pursue other category contractor applications in the electrical trade without being required to retake the business and law portion of the exam if the business and law portion was successfully passed previously; 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 proposed amendments to 158:40-9-4 remove obsolete, outdated verbiage; clarify that continuing education programs have to be conducted substantially as shown on the agenda approved by the Electrical Examiners Committee; provide that approval of any type of continuing education course is rescinded upon the adoption of a different statewide code; amend the deadline for submission of applications for continuing education course approval; and provide that applications for correspondence or online courses must be resubmitted annually, from date of approval, for review and approval.

#### **AUTHORITY:**

Construction Industries Board: 59 O.S. §§ 1000.4(A)(1), 1000.5, and 1681.

#### **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

## NOTICE OF RULEMAKING INTENT

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.