

OKLAHOMA STATUTES
TITLE 59. PROFESSIONS AND OCCUPATIONS

MECHANICAL LICENSING ACT

Section 1850.1. Short title

Sections 1850.1 through 1860 of this title shall be known and may be cited as the "Mechanical Licensing Act".

Historical Data: Laws 1987, HB 1136, c. 93, § 1, eff. November 1, 1987; Amended by Laws 2001, SB 354, c. 394, § 52, eff. January 1, 2002.

Section 1850.2. Definitions

As used in the Mechanical Licensing Act:

1. "Air conditioning system" means the process of treating air by controlling its temperature, humidity, and cleanliness, to meet the requirements of a designated area;
2. "Committee" means the Committee of Mechanical Examiners;
3. "Board" means the Construction Industries Board;
4. "Gas piping" means and includes all natural gas piping within or adjacent to any building, structure, or conveyance, on the premises and to the connection with a natural gas meter, regulator, or other source of supply;
5. "Heating systems" means and includes systems consisting of air heating appliances from which the heated air is distributed and shall include any accessory apparatus and equipment installed in connection therewith;
6. "Mechanical contractor" or "contractor" means any person engaged in the business of planning, contracting, supervising or furnishing labor or labor and materials for mechanical work;
7. "Mechanical journeyman" or "journeyman" means any person other than a contractor or apprentice who engages in mechanical work;
8. "Mechanical apprentice" or "apprentice" means any person sixteen (16) years of age or older whose principal occupation is learning mechanical work on the job under the direct supervision of a journeyman or contractor;
9. "Mechanical firm" means any corporation, partnership, association, proprietorship, limited liability company, or other business entity which plans or engages, or offers to engage, in mechanical work for another within this state;

10. "Mechanical work" means the installation, maintenance, repair, or renovation, in whole or in part, of any heating system, exhaust system, cooling system, mechanical refrigeration system or ventilation system or any equipment or piping carrying chilled water, air for ventilation purposes, or natural gas, or the installation, maintenance, repair, or renovation of process piping used to carry any liquid, substance, or material, including steam and hot water used for space heating purposes not under the jurisdiction of the Department of Labor other than minor repairs to such systems;

11. "Refrigeration system" means the installation, repairing and servicing of a system employing a fluid which normally is vaporized and liquefied in an air conditioning system, food preservation measure or manufacturing process;

12. "Sheet metal" means the erection, installation and repairing of all ferrous or nonferrous duct work and all other materials used in all air conditioning and exhaust systems;

13. "Temporary mechanical journeyman" means any person other than a person permanently licensed as a mechanical journeyman or contractor in this state who meets the temporary licensure requirements of Section 1850.8A of this title; and

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

Historical Data: Added by Laws 1987, HB 1136, c. 93, § 2, eff. November 1, 1987; Amended by Laws 1992, c. 137, § 1, eff. September 1, 1992; Amended by Laws 1994, c. 293, § 8, eff. July 1, 1994; Amended by Laws 1999, SB 379, c. 405, § 10, emerg. eff. June 10, 1999; Amended by Laws 2001, SB 354, c. 394, § 53, eff. January 1, 2002; Amended by Laws 2002, HB 2163, c. 83, § 1, emerg. eff. April 17, 2002; Amended by Laws 2009, HB 1004, c. 219, § 1, eff. November 1, 2009.

Section 1850.3. Construction Industries Board—Rulemaking authority

The Construction Industries Board shall have the power and duty to:

1. Promulgate, prescribe, amend, and repeal rules necessary to implement the provisions of the Mechanical Licensing Act including, but not limited to, defining categories and limitations for such licenses and for registration of apprentices, and establishing bonding and insurance requirements precluding municipal requirements; and

2. Establish minimum standards of mechanical installations in this state.

Historical Data: Added by Laws 1987, HB 1136, c. 93, § 3, eff. November 1, 1987; Amended by Laws 2001, SB 354, c. 394, § 54, eff. January 1, 2002; Amended by Laws 2009, SB 1182, c. 439, § 16, emerg. eff. June 2, 2009.

Section 1850.3a. Voluntary review of project plans and specifications

The Construction Industries Board shall establish by rule a process for the formal review of the plans and specifications for a project prior to bid dates for the project to ensure that the project plans and specifications are in conformance with applicable plumbing, electrical and mechanical installation codes. The rule shall provide that the review shall be completed in a timely manner, not to exceed fourteen (14) calendar days from the date of the submission of a

completed application for review which is accompanied by the review fee not to exceed Two Hundred Dollars (\$200.00) to be established by the rule. Upon completion of the review, the plans and specifications shall be returned to the applicant with documentation indicating either approval of plans and specifications which are in compliance with the applicable codes, or modifications which must be made to bring the plans and specifications into conformance. Submission of such plans and specifications for review by the Board shall be voluntary.

Historical Data: Added by Laws 1994, c. 293, § 9, eff. July 1, 1994; Amended by Laws 2001, SB 354, c. 394, § 55, eff. January 1, 2002.

Section 1850.4. Committee of Mechanical Examiners—Membership—Terms—Removal—Vacancies—Quorum—Duties

A. There is hereby established the Committee of Mechanical Examiners, which shall consist of five (5) members. All members shall be citizens of the United States and shall be residents of this state. Members shall hold office for terms of two (2) years or until their successors have been appointed and qualified.

B. Members of the Committee shall be appointed as follows:

1. Two members shall be appointed by the President Pro Tempore of the Senate and shall be mechanical journeymen with five (5) years' actual experience in mechanical work as journeymen. Beginning January 1, 2003, as the terms of the members serving on the Committee pursuant to this paragraph expire, subsequent members shall be appointed by the President Pro Tempore of the Senate, unless after thirty (30) days from expiration an appointment is not made, then the member shall be appointed by the Construction Industries Board;

2. Two members shall be appointed by the Speaker of the House of Representatives and shall be mechanical contractors with five (5) years' actual experience in mechanical work as contractors. Beginning January 1, 2003, as the terms of the members serving on the Committee pursuant to this paragraph expire, subsequent members shall be appointed by the Speaker of the House of Representatives, unless after thirty (30) days from expiration an appointment is not made, then the member shall be appointed by the Construction Industries Board; and

3. One member shall be a lay member appointed by the Construction Industries Board; provided, the person serving in this position on January 1, 2002, may elect to continue to serve until the end of the term of office and until a successor has been appointed and qualified.

C. Any vacancy on the Committee shall be filled for the unexpired term within thirty (30) days in the manner in which that position was originally filled. Members may be removed for misconduct, incompetence, or neglect of duty.

D. A majority of the Committee shall constitute a quorum for the transaction of business, and the Committee shall elect a chair from its number. Each member shall receive travel expenses in accordance with the provisions of the State Travel Reimbursement Act. The Committee shall meet at least quarterly to conduct examinations, and special meetings may be called by the chair or the Board.

E. The Committee shall:

1. Assist and advise the Board on all matters pertaining to the formation of rules pursuant to the provisions of the Mechanical Licensing Act;
2. Assist and advise the Board on the examinations for applicants for licenses as a mechanical contractor or journeyman and on all matters relating to the licensing of mechanical contractors and mechanical journeymen and the registering of mechanical apprentices; and
3. Assist and advise the Board in such other matters as requested thereby.

Historical Data: Added by Laws 1987, c. 93, § 4, eff. Nov. 1, 1987. Amended by Laws 1993, c. 249, § 2, emerg. eff. May 26, 1993; Laws 1994, c. 293, § 10, eff. July 1, 1994; Laws 2001, c. 394, § 56, eff. Jan. 1, 2002; Laws 2002, c. 457, § 10, eff. July 1, 2002.

Section 1850.5. Construction Industries Board—Powers and Duties

The Construction Industries Board shall have the power and duty to:

1. Issue, renew, suspend, revoke, modify or deny licenses to engage in mechanical work pursuant to the Mechanical Licensing Act;
2. Register apprentices;
3. Enter upon public and private property for the purpose of inspecting workers' licenses and mechanical work for compliance with the provisions of the Mechanical Licensing Act and of the rules of the Board promulgated pursuant thereto;
4. Employ personnel to conduct investigations and inspections;
5. Enforce the standards and rules promulgated pursuant to the Mechanical Licensing Act;
6. Reprimand or place on probation, or both, any holder of a license or registration pursuant to the Mechanical Licensing Act;
7. Investigate complaints and hold hearings;
8. Initiate disciplinary proceedings, request prosecution of and initiate injunctive proceedings against any person who violates any of the provisions of the Mechanical Licensing Act or any rule promulgated pursuant thereto;
9. Establish and levy administrative fines against any person who violates any of the provisions of the Mechanical Licensing Act or any rule promulgated pursuant thereto;
10. Conduct investigations into the qualifications of applicants for licensure and registration on the request of the Board;
11. Develop and administer the examinations approved by the Committee of Mechanical Examiners for applicants for licenses as a mechanical contractor or journeyman; and

12. Exercise all incidental powers as necessary and proper to implement and enforce the provisions of the Mechanical Licensing Act and the rules promulgated pursuant thereto.

Historical Data: Added by Laws 1987, HB 1136, c. 93, § 5, eff. November 1, 1987; Amended by Laws 1993, c. 236, § 7, eff. September 1, 1993; Amended by Laws 1994, c. 293, § 11, eff. July 1, 1994; Amended by Laws 2001, SB 354, c. 394, § 57, eff. January 1, 2002.

Section 1850.6. Examinations

A. Examinations for licenses as mechanical contractors or mechanical journeymen shall be uniform and practical in nature for each respective license and shall be sufficiently strict to test the qualifications and fitness of the applicants for licenses. Examinations shall be in whole or in part in writing. The Committee shall conduct examinations quarterly and at such other times as it deems necessary.

B. Any applicant initially failing to pass the examination shall not be permitted to take another examination for a period of thirty (30) days. Any applicant subsequently failing to pass the examination shall not be permitted to take another examination for a period of ninety (90) days.

Historical Data: Added by Laws 1987, HB 1136, c. 93, § 6, eff. November 1, 1987.

Section 1850.7. License required—Contractor required for mechanical work

No person shall engage or offer to engage in, by advertisement or otherwise, any mechanical work as a journeyman or contractor who does not possess a valid and appropriate license from the Construction Industries Board. No business entity shall act as a mechanical firm unless a contractor is associated with and responsible for all mechanical work of such entity.

Historical Data: Added by Laws 1987, HB 1136, c. 93, § 7, eff. November 1, 1987; Amended by Laws 2001, SB 354, c. 394, § 58, eff. January 1, 2002.

Section 1850.8. Qualifications for license as mechanical journeyman or mechanical contractor—Licenses—Limited license

A. The Construction Industries Board shall issue a license as a mechanical journeyman or mechanical contractor to any person who:

1. Has been certified by the Committee of Mechanical Examiners as having successfully passed the appropriate examination; and

2. Has paid the license fee and has otherwise complied with the provisions of the Mechanical Licensing Act. The license fees shall be established by rule by the Board pursuant to Section 1000.5 of this title.

B. All licenses shall be nontransferable. No license shall be issued for longer than one (1) year and all licenses shall expire on the last day in the birth month of the licensee. Licenses renewed more than thirty (30) days following the date of expiration may only be renewed upon

application and payment of the required fees and payment of any penalty for late renewal, as shall be established by the Board. No journeyman or contractor license shall be renewed unless the licensee has completed the required hours of continuing education as determined by the Committee. Persons who are licensed as contractors under the Mechanical Licensing Act may have their license placed on inactive status by paying the annual renewal fee and eliminating the bonding and insurance requirements. No late fee shall be charged to renew a license which expired while the applicant was in military service, if application is made within one (1) year of discharge from the military service.

C. The Board is authorized to establish and issue, subject to the provisions of the Mechanical Licensing Act, limited licenses in each area of mechanical work based on the experience, ability, examination scores and the education of the applicant. The limited licenses shall authorize the licensee to engage in only those activities and within the limits specified in the license.

Historical Data: Added by Laws 1987, HB 1478, c. 93, § 8, eff. November 1, 1987; Amended by Laws 1993, SB 14, c. 249, § 3, emerg. eff. May 26, 1993; Amended by Laws 1994, SB 743, c. 293, § 12, eff. July 1, 1994; Amended by Laws 1999, SB 379, c. 405, § 11, emerg. eff. June 10, 1999; Amended by Laws 2001, SB 354, c. 394, § 59, eff. January 1, 2002; Amended by Laws 2002, SB 1432, c. 457, § 11, emerg. eff. July 1, 2002; Amended by Laws 2003, SB 545, c. 318, § 14, eff. November 1, 2003; Amended by Laws 2004, SB 1211, c. 163, § 7, emerg. eff. April 26, 2004; Amended by Laws 2008, SB 45, c. 4, § 12, eff. November 1, 2008.

Section 1850.8A. Temporary licenses

A. Within (1) one year of the date the Governor of this state declares a state of emergency in response to a disaster involving the destruction of dwelling units, the Construction Industries Board shall issue a distinctively colored, nonrenewable, temporary mechanical journeyman license which shall expire one (1) year after the date of declaration to any person who is currently licensed as a mechanical journeyman by another state and who:

1. Submits, within ten (10) days of beginning mechanical journeyman's work in this state, an application and fee for a mechanical journeyman's examination;
2. Takes and passes the examination at the first opportunity thereafter offered by the Board; and
3. Pays a temporary mechanical journeyman's license fee to be established by rule by the Board pursuant to Section 1000.5 of this title.

B. Nothing in this section shall be construed as prohibiting any person from qualifying at any time for any other license by meeting the requirements for the other license.

Historical Data: Added by Laws 1999, SB 379, c. 405, § 14, emerg. eff. June 10, 1999; Amended by Laws 2008, SB 45, c. 4, § 13, eff. November 1, 2008.

Section 1850.9. Apprentice registration

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

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

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

Historical Data: Added by Laws 1987, HB 1136, c. 93, § 9, eff. November 1, 1987; Amended by Laws 1999, SB 379, c. 405, § 13, emerg. eff. June 10, 1999; Amended by Laws 2001, SB 354, c. 394, § 60, eff. January 1, 2002.

Section 1850.10. Application of act—Exemptions

A. 1. No person shall install, replace or repair gas piping unless such person is licensed under the Mechanical Licensing Act or is licensed as a plumbing contractor or journeyman plumber pursuant to the laws of this state.

2. No person shall install, replace or repair floor furnaces or wall heaters unless such person is licensed under the Mechanical Licensing Act or is licensed as a plumbing contractor or journeyman plumber pursuant to the laws of this state.

3. No person shall install, replace or repair any radiant-floor heating systems unless such person is licensed under the Mechanical Licensing Act or is licensed as a plumbing contractor or journeyman plumber pursuant to the laws of this state.

B. The Mechanical Licensing Act shall not apply to:

1. A person who is the property owner of record, or his or her authorized representative, when performing minor repair which shall include, but not be limited to, cleaning, adjusting, calibrating and repair of mechanical system parts and the replacement of fuses and room thermostats, and other minor repairs which shall not include any repair which could violate the safe operation of the equipment;

2. The installation of portable, self-contained, ductless air conditioners or heaters;

3. The setting or connecting of detached air conditioning units which utilize flexible ductwork on a manufactured home. The term manufactured home shall have the same definition as such term is defined in Section 1102 of Title 47 of the Oklahoma Statutes;

4. Any permanent employee of a manufacturing facility, whether owned or leased, while performing mechanical work on the premises of such facility. The performance of such mechanical work authorized by this paragraph shall not violate any manufacturer specification or compromise any health or safety standards and practices in accordance with state and federal regulations;

5. The service, repair and installation of boilers, pressure vessels and welded steam lines which are subject to the jurisdiction of the Commissioner of Labor pursuant to the provisions of the Boiler and Pressure Vessel Safety Act; or

6. Employees of state-owned institutions doing maintenance to state-owned facilities which does not violate manufacturer specifications nor compromise health or safety standards and practices.

C. The licensing requirements of the Mechanical Licensing Act shall not apply to public utilities, public service corporations, intrastate gas pipeline companies, gas gathering pipeline companies, gas processing companies, rural electric associations, or municipal utilities and their subsidiaries during work on their own facilities or during the performance of energy audits, operational inspections, minor maintenance, or minor repairs for their customers or on their own equipment.

D. The licensing requirements of the Mechanical Licensing Act shall not apply to contractors, the contractor's employees, employees of chemical plants, gas processing plants, intrastate gas pipelines, gas gathering pipelines and petroleum refineries during work on their own facilities or during the performance of operational inspections, mechanical work, maintenance, or repairs on their own equipment, the performance of which does not violate any manufacturer specification or compromise any health or safety standards and practices in accordance with state and federal regulations.

E. The licensing requirements of the Mechanical Licensing Act shall not apply to employees of research facilities during work on their own facilities or during the performance of operational inspections, mechanical work, maintenance, or repairs on their own equipment used solely for research purposes when such items of equipment require one or more details of construction not covered by normally used national codes and standards or which involve destruction or reduce life of the equipment and systems.

Historical Data: Added by Laws 1987, c. 93, § 10, eff. November 1, 1987; Amended by Laws 1989, c. 331, § 2, emerg. eff. May 31, 1989; Laws 1992, c. 137, § 2, eff. September 1, 1992; Amended by Laws 1997, c. 353, § 5, eff. November 1, 1997; Amended by Laws 2004, SB 1211, c. 163, § 8, emerg. eff. April 26, 2004; Amended by Laws 2014, SB 1438, c. 410, § 1, eff. August 22, 2014.

Section 1850.11. Violations—Penalties—Administrative fines—Injunctions

A. Any person, mechanical contractor, mechanical journeyman, mechanical apprentice or mechanical firm who violates any of the provisions of the Mechanical Licensing Act in addition to suspension or revocation of a license, upon conviction, shall be guilty of a misdemeanor and punished by a fine of not less than Two Hundred Dollars (\$200.00) nor more than One Thousand Dollars (\$1,000.00), or both such fine and imprisonment together with the costs of prosecution.

B. In addition to other penalties provided by law, if after a hearing in accordance with the provisions of Section 1850.14 of this title, the Mechanical Hearing Board shall find any mechanical contractor, mechanical journeyman, mechanical apprentice or mechanical firm to be in violation of any of the provisions of this act, such person or firm may be subject to an administrative fine of not more than Five Hundred Dollars (\$500.00) for each violation. Each day a person or firm is in violation of this act may constitute a separate violation. The maximum

fine will not exceed One Thousand Dollars (\$1,000.00). All administrative fines collected pursuant to the provisions of this subsection shall be deposited in the Oklahoma Mechanical Licensing Revolving Fund. Administrative fines imposed pursuant to this subsection shall be enforceable in the district courts of this state.

C. The Mechanical Hearing Board may make application to the appropriate court for an order enjoining the acts or practices prohibited by this act, and upon a showing by the Mechanical Hearing Board that the person or firm has engaged in any of the prohibited acts or practices, an injunction, restraining order, or other order as may be appropriate shall be granted by the court.

Historical Data: Added by Laws 1987, HB 1136, c. 93, § 11, eff. November 1, 1987; Amended by Laws 1993, HB 1522, c. 236, § 8, eff. September 1, 1993; Amended by Laws 2008, SB 1578, c. 142, § 3, eff. November 1, 2008.

Section 1850.12. Political subdivisions—Inspections—Permits—Registration

The provisions of the Mechanical Licensing Act shall not prohibit any political subdivision from appointing inspectors, making inspections, requiring permits for mechanical work and charging such fees as are determined to be necessary by such political subdivision. Said political subdivision may inspect mechanical work performed within the jurisdiction of that political subdivision, and may require contractors to register within their jurisdiction.

Historical Data: Added by Laws 1987, HB 1136, c. 93, § 12, eff. November 1, 1987; Amended by Laws 2003, SB 545, c. 318, § 15, eff. November 1, 2003.

Section 1850.13. Oklahoma Mechanical Licensing Revolving Fund

There is hereby created in the State Treasury a revolving fund for the Construction Industries Board, to be designated the "Oklahoma Mechanical Licensing Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Board pursuant to the Mechanical Licensing Act, including administrative fines authorized by Section 1850.11 of this title. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Construction Industries Board for the purpose of implementing the Mechanical Licensing Act. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Historical Data: Laws 1987, HB 1136, c. 93, § 13, eff. November 1, 1987; Amended by Laws 1993, c. 236, § 9, eff. September 1, 1993; Amended by Laws 2001, SB 354, c. 394, § 61, eff. January 1, 2002; Amended by Laws 2004, SB 1211, c. 163, § 9, emerg. eff. April 26, 2004; Amended by Laws 2008, SB 45, c. 4, § 14, eff. November 1, 2008; Amended by Laws 2012, HB 3079, c. 304, § 286.

Section 1850.14. Mechanical Hearing Board—Investigations—Suspension, revocation or refusal to issue or renew license—Jurisdiction of political subdivisions

A. The Construction Industries Board or its designee and the Committee of Mechanical Examiners shall act as the Mechanical Hearing Board and shall comply with the provisions of Article II of the Administrative Procedures Act.

B. Any administrative hearing on suspensions, revocations or fines shall be conducted by a hearing examiner appointed by the Construction Industries Board. The hearing examiner's decision shall be a final decision which may be appealed to a district court in accordance with the Administrative Procedures Act.

C. The Mechanical Hearing Board may, upon its own motion, and shall, upon written complaint filed by any person, investigate the business transactions of any mechanical contractor, mechanical journeyman, mechanical apprentice or mechanical firm. The Construction Industries Board shall suspend or revoke or may refuse to issue or renew any license or registration under the Mechanical Licensing Act for any of the following:

1. Making a material misstatement in the application for a license or registration, or the renewal of a license or registration;
2. Obtaining any license or registration by false or fraudulent representation;
3. Loaning or allowing the use of such license by any other person or illegally using a license;
4. Demonstrating incompetence to act as a mechanical journeyman or mechanical contractor;
5. Violating any provisions of the Mechanical Licensing Act, or any rule or order prescribed by the Construction Industries Board pursuant to the provisions of the Mechanical Licensing Act; or
6. Willfully failing to perform normal business obligations without justifiable cause.

D. Any person whose license or registration has been revoked by the Mechanical Hearing Board may apply for a new license one (1) year from the date of such revocation.

E. Notwithstanding any other provision of law, a political subdivision of this state that has adopted a nationally recognized mechanical code and appointed an inspector pursuant to Section 1850.12 of this title or pursuant to the Oklahoma Inspectors Act for such work shall have jurisdiction over the interpretation of said code and the installation of all mechanical work done in that political subdivision, subject to the provisions of the Oklahoma Inspectors Act. Provided, a state inspector may work directly with a mechanical contractor, mechanical journeyman, mechanical apprentice or mechanical firm in such a locality if a violation of the code creates an immediate threat to life or health.

F. In the case of a complaint about, investigation of, or inspection of any license, registration, permit or mechanical work in any political subdivision of this state which has not adopted a nationally recognized mechanical code and appointed an inspector pursuant to Section 1850.12 of this title or pursuant to the Oklahoma Inspectors Act for such work, the Board shall have jurisdiction over such matters.

G. 1. No individual, business, company, corporation, association, limited liability company, or other entity subject to the provisions of the Mechanical Licensing Act shall install, modify or

alter mechanical systems in any incorporated area of this state which has not adopted a nationally recognized mechanical code and appointed an inspector pursuant to Section 1850.12 of this title or pursuant to the Oklahoma Inspectors Act for such work without providing notice of such mechanical work to the Board. A notice form for reproduction by an individual or entity required to make such notice shall be provided by the Board upon request.

2. Notice to the Board pursuant to this subsection shall not be required for minor repair or maintenance performed according to the mechanical equipment manufacturer's instructions or of any petroleum refinery or its research facilities.

3. Enforcement of this subsection is authorized pursuant to the Mechanical Licensing Act, or under authority granted to the Board.

Historical Data: Added by Laws 1987, HB 1136, c. 93, § 14, eff. November 1, 1987; Amended by Laws 1993, SB 135, c. 251, § 3, eff. September 1, 1993; Amended by Laws 2001, SB 354, c. 394 § 62, emerg. eff. June 4, 2001; Amended by Laws 2008, SB 45, c. 4, § 15, eff. November 1, 2008.

Section 1850.15. Statewide validity of license—Persons not required to be licensed under act

A license issued pursuant to this act shall be valid statewide; however, a person or entity who is licensed locally and only performs work in such locality shall not be required to be licensed hereunder.

Historical Data: Added by Laws 1987, HB 1136, c. 93, § 15, eff. November 1, 1987.

Section 1850.16. Oklahoma State Mechanical Installation Code Variance and Appeals Board

A. 1. There is hereby created the Oklahoma State Mechanical Installation Code Variance and Appeals Board. The Variance and Appeals Board shall hear testimony and shall review sufficient technical data submitted by an applicant to substantiate the proposed installation of any material, assembly or manufacturer-engineered components, equipment or system that is not specifically prescribed by an appropriate installation code, an industry consensus standard or fabricated or installed according to recognized and generally accepted good engineering practices, where no ordinance of a governmental subdivision applies. If it is determined that the evidence submitted is satisfactory proof of performance for the proposed installation, the Variance and Appeals Board shall approve such alternative, subject to the requirements of the appropriate installation code. Applications for the use of an alternative material or method of construction shall be submitted in writing to the Construction Industries Board for approval prior to use. Applications shall be accompanied by a filing fee, not to exceed Fifty Dollars (\$50.00), as set by rule of the Board.

2. The Variance and Appeals Board shall also hear appeals from contractors, licensed by the Construction Industries Board, and any person who has ownership interest in or is in responsible charge of the design of or work on the installation, who contest the Construction Industries Board's interpretation of the state's model mechanical installation code as applied to a particular installation. Such appeals shall be based on a claim that:

- a. the true intent of the installation code has been incorrectly interpreted,
- b. the provisions of the code do not fully apply, or
- c. an equal or better form of installation is proposed.

Such appeals to the Variance and Appeals Board shall be made in writing to the Construction Industries Board within fourteen (14) days after a code interpretation or receipt of written notice of the alleged code violation by the licensed contractor.

B. The Variance and Appeals Board shall consist of the designated representative of the Construction Industries Board and the following members who, except for the State Fire Marshal or designee, shall be appointed by the Construction Industries Board from a list of names submitted by the professional organizations of the professions represented on the Variance and Appeals Board and who shall serve at the pleasure of the Construction Industries Board:

1. Two members shall be appointed from the Committee of Mechanical Examiners; one shall be a contractor with five (5) years of experience and one shall be a journeyman with five (5) years of experience;

2. One member shall be a registered design professional who is a registered architect with at least ten (10) years of experience, five (5) years of which shall have been in responsible charge of work;

3. One member shall be a registered design professional with at least ten (10) years of structural engineering or architectural experience, five (5) years of which shall have been in responsible charge of work;

4. One member shall be a registered design professional with mechanical or plumbing engineering experience; provided, such member shall have at least ten (10) years of experience, five (5) years of which shall have been in responsible charge of work;

5. One member shall be a registered design professional with electrical engineering experience; provided, such member shall have at least ten (10) years of experience, five (5) years of which shall have been in responsible charge of work; and

6. One member shall be the State Fire Marshal or a designee of the State Fire Marshal. Any member serving on the Variance and Appeals Board on January 1, 2002, may continue to serve on the Variance and Appeals Board until a replacement is appointed by the Construction Industries Board.

C. Members, except the designee of the Construction Industries Board and the State Fire Marshal, or the designated representative of the State Fire Marshal, and employees of the Construction Industries Board, shall be reimbursed for travel expenses pursuant to the State Travel Reimbursement Act from the revolving fund created pursuant to Section 1850.13 of Title 59 of the Oklahoma Statutes.

D. The Variance and Appeals Board shall meet after the Construction Industries Board receives proper application for a variance, accompanied by the filing fee, or proper notice of an appeal, as provided in subsection A of this section.

E. The designated representative of the Construction Industries Board, shall serve as chair of the Variance and Appeals Board. A majority of the members of the Variance and Appeals Board shall constitute a quorum for the transaction of business.

Historical Data: Added by Laws 1994, c. 293, § 13, eff. July 1, 1994; Amended by Laws 2001, SB 354, c. 394, § 63, emerg. eff. June 4, 2001.

Section 1850.17. Petroleum refinery mechanical journeyman license—Examinations—Maximum apprentice-to-journeyman ratio

A. The Construction Industries Board shall offer examinations for a petroleum refinery mechanical journeyman license. The Board shall promulgate rules to implement the provisions of this section.

B. The maximum apprentice-to-journeyman ratio for mechanical work requiring a petroleum refinery journeyman license shall not be greater than five apprentices to one petroleum refinery journeyman. This provision is limited to petroleum refinery mechanical work and shall not apply to other apprentice-to-journeyman ratios established by the Construction Industries Board.

Historical Data: Added by Laws 2008, SB 2131, c. 405, § 12, emerg. eff. June 3, 2008; Amended by Laws 2009, HB 1004, c. 219, § 2, eff. November 1, 2009.

Section 1860. Renumbered as 59 O.S. § 1000.5b by Laws 2008, SB 45, c. 4, § 17, eff. November 1, 2008

Historical Data: Added by Laws 1999, SB 379, c. 405, § 14, emerg. eff. June 10, 1999; Amended by Laws 2001, SB 354, c. 394, § 64, emerg. eff. June 4, 2001; Renumbered as 59 O.S. § 1000.5b by Laws 2008, SB 45, c. 4, § 17, eff. November 1, 2008.