

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

SUBCHAPTER 1. GENERAL PROVISIONS

158:10-1-1. Purpose

The purpose of this chapter is to establish fines based on violation of requirements found in any regulation administered by the Oklahoma Construction Industries Board pursuant to the Construction Industries Board Act found at 59 O.S. § 1000.1, *et seq.*

[Source: Added at 19 Ok Reg 719, eff 1-22-02 (emergency); Added at 19 Ok Reg 1263, eff 5-28-02; Amended at 30 Ok Reg 1531, eff 7-11-13]

158:10-1-1.1. Definitions

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

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

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

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

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

[Source: Added at 31 Ok Reg 897, eff 9-12-14; Amended at 34 Ok Reg 872, eff 10-1-17]

158:10-1-2. Limitations imposed upon Processing of licenses and registrations

Applications for licenses, registration or renewals shall not be processed until the fine(s) are paid.

[Source: Added at 19 Ok Reg 719, eff 1-22-02 (emergency); Added at 19 Ok Reg 1263, eff 5-28-02]

SUBCHAPTER 3. ADMINISTRATIVE FINE SCHEDULE

158:10-3-1. Common requirements under the Electrical License Act, the Mechanical Licensing Act, the Plumbing License Law of 1955, Home Inspection Licensing Act, and the Roofing Contractor Registration Act

(a) The schedule of fines in this Section is based on violation of requirements common to the rules promulgated under authority of the Electrical License Act, the Mechanical Licensing Act and The Plumbing License Law of 1955, or each of the respective licensing laws, and the Roofing Contractor Registration Act. Except residential roofing jobs where a written warning

may be issued prior to applying the fine schedule and as provided in Section 158:10-3-2, the fine schedule for citations issued by the Board for violations of the following requirements is:

- (1) Contracting without license or registration or endorsement, which includes offering to perform work through advertisement or otherwise:
 - (A) First - \$500.00
 - (B) Second or subsequent - \$1,000.00.
 - (2) Inactive contractor or a journeyman engaged in contracting:
 - (A) First - \$500.00
 - (B) Second or subsequent - \$1,000.00.
 - (3) Contractor working unlicensed or unregistered individual (per person):
 - (A) First - \$500.00;
 - (B) Second or subsequent - \$1,000.00.
 - (4) Contractor working registered apprentice without direct supervision (per apprentice):
 - (A) First - \$500.00;
 - (B) Second or subsequent - \$1,000.00.
 - (5) Unlicensed or unregistered individual performing trade work under the direction of one acting as a contractor:
 - (A) First - \$500.00;
 - (B) Second or subsequent - \$1,000.00.
 - (6) Loaning a license or registration or endorsement:
 - (A) First - \$500;
 - (B) Second or subsequent - \$1,000.00.
 - (7) Forging, falsifying or altering a license or registration or endorsement:
 - (A) First - \$500.00;
 - (B) Second or subsequent - \$1,000.00.
 - (8) Code violations per day (after NOV compliance date): First - \$500.00.
 - (9) Contracting with an expired bond:
 - (A) First - \$500.00;
 - (B) Second or subsequent - \$1,000.00.
 - (10) Contracting with expired insurance
 - (A) First - \$500.00;
 - (B) Second or subsequent - \$1,000.00.
 - (11) Failure to properly display firm name and state license number, roofing registration number, and if applicable commercial endorsement on vehicles; or roofing registrants failing to post on the job site and all media the name, registration number, and if applicable commercial endorsement:
 - (A) First - \$500.00;
 - (B) Second or subsequent - \$1,000.00.
- (b) The fine schedule for citations issued by the Board for Violations of the Home Inspection Licensing Act or the Rules promulgated there under shall be subject to the following fines:
- (1) Violation of 158:70-5-2(d):
 - (A) First violation: \$50.00
 - (B) Subsequent violation: \$200.00
 - (2) Violations of 158:70-11-2(a):
 - (A) First violation: up to \$500.00
 - (B) Subsequent violation: up to \$1,000.00

- (3) Violations of 158:70-11-2(b):
 - (A) First violation: up to \$500.00
 - (B) Subsequent violation: up to \$1,000.00
 - (4) Violations of 158:70-11-2(c):
 - (A) First violation: up to \$500.00
 - (B) Subsequent violation: up to \$1,000.00
 - (5) Violations of 158:70-11-2(d):
 - (A) First violation: up to \$200.00
 - (B) Subsequent violation: up to \$500.00
 - (6) Violations of 158:70-11-2(e):
 - (A) First violation: up to \$500.00
 - (B) Subsequent violation: up to \$1,000.00
 - (7) Violations of 158:70-11-2(f):
 - (A) First violation: up to \$500.00
 - (B) Subsequent violation: up to \$1,000.00
 - (8) Violations of 158:70-11-2(g):
 - (A) First violation: up to \$500.00
 - (B) Subsequent violation: up to \$1,000.00
 - (9) Violations of 158:70-11-2(h):
 - (A) First violation: up to \$500.00
 - (B) Subsequent violation: up to \$1,000.00
 - (10) Violations of 158:70-11-2(i):
 - (A) First violation: up to \$500.00
 - (B) Subsequent violation: up to \$1,000.00
 - (11) Violations of 158:70-11-2(j):
 - (A) First violation: up to \$1,000.00
 - (B) Subsequent violation: up to \$2,000.00
 - (12) Violations of 158:70-11-2(k):
 - (A) First violation: up to \$200.00
 - (B) Subsequent violation: up to \$500.00
 - (13) Violations of 158:70-11-2(l):
 - (A) First violation: up to \$200.00
 - (B) Subsequent violation: up to \$500.00
 - (14) Violations of 158:70-11-2(m):
 - (A) First violation: up to \$200.00
 - (B) Subsequent violation: up to \$500.00
 - (15) Violations of 158:70-11-2(n):
 - (A) First violation: up to \$200.00
 - (B) Subsequent violation: up to \$500.00
- (c) Violations of any other provision of the Electrical Industry Regulations, the Mechanical Industry Regulations and the Plumbing Industry Regulations not otherwise provided hereinabove or in 158:10-3-2, shall be subject to a fine of \$200.00 for the first offense and \$400.00 for each subsequent offense.
- (d) Violations of any other provision of the Roofing Contractor Registration Act or the Roofing Contractor Registration Regulations involving a residential job as provided in Chapter 85 of OAC 158, shall be subject to a fine of \$500.00 for the first offense, \$1,000.00 for a second offense, and \$3,500.00 for each subsequent offense.

- (e) Subsequent violations involving residential roofing jobs after adjudication of a \$1,000.00 fine, can be fined up to \$3,500.00.
- (f) Violations of any other provision of the Roofing Contractor Registration Act or the Roofing Contractor Registration Regulations involving a commercial job as provided in Chapter 85 of OAC 158, shall be subject to a fine of \$500.00 for the first offense, \$1,000.00 for a second offense, and \$5,000.00 for each subsequent offense.
- (g) Subsequent violations involving commercial roofing jobs after adjudication of a \$1,000.00 fine, can be fined up to \$5,000.00.

[Source: Added at 19 Ok Reg 719, eff 1-22-02 (emergency); Added at 19 Ok Reg 1263, eff 5-28-02; Amended at 23 Ok Reg 1211, eff 5-25-06; Amended at 26 Ok Reg 2449, eff 7-11-09; Amended at 30 Ok Reg 1531, eff 7-11-13; Amended at 31 Ok Reg 897, eff 9-12-14; Amended at Reg 434, eff 12-17-14 (emergency); Amended at 32 Ok Reg 1614, eff 9-11-15; Amended at 33 OK Reg 578, eff 8-25-16]

158:10-3-2. Other violations

The schedule of fines in this Section are based on violation of requirements common to the rules promulgated under authority of the respective licensing laws. Except as provided in Section 158:10-3-3, the fine schedule for citations issued by the Board for violations of the following requirements is: Failure to display state contractor license number on advertising, contracts, and bids:

- (1) First - \$70
- (2) Second or subsequent - \$190.

[Source: Added at 19 Ok Reg 719, eff 1-22-02 (emergency); Added at 19 Ok Reg 1263, eff 5-28-02; Amended at 23 Ok Reg 1211, eff 5-25-06; Amended at 33 OK Reg 578, eff 8-25-16]

158:10-3-3. Administrative citations

(a) **Issuance of a citation.** A citation which is issued to a person for violation of one or more of the compliance requirements provided in Section 158:10-3-1 and Section 158:10-3-2 shall advise the person of the hearing date at which the person may contest the issuance of the citation and/or the amount of the fine. Such hearings shall be conducted in compliance with the Oklahoma Administrative Procedures Act and the Oklahoma Open Meetings Act.

(b) **Orders following hearing.** A final order may uphold the citation as issued, reduce the amount of the fine or dismiss the action. A default order may be issued if the person cited has been advised in writing of the hearing date and fails to appear. The fine is due and payable immediately upon issuance of the order unless otherwise provided therein. A final order is appealable to the district court in accordance with the Oklahoma Administrative Procedures Act.

[Source: Added at 19 Ok Reg 719, eff 1-22-02 (emergency); Added at 19 Ok Reg 1263, eff 5-28-02; Amended at 31 Ok Reg 897, eff 9-12-14]

158:10-3-4. Payment of fines

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

(b) Any fines and penalties imposed by penalty orders by the respective Hearing Boards and/or the Board and fines and penalties imposed by courts of competent jurisdiction for the violation of municipal ordinances shall be paid.

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

[Source: Added at 19 Ok Reg 719, eff 1-22-02 (emergency); Added at 19 Ok Reg 1263, eff 5-28-02; Amended at 21 Ok Reg 761, eff 4-26-04] ; Amended at 30 Ok Reg 1531, eff 7-11-13; Amended at 34 Ok Reg 872, Eff 10-1-17]

158:10-3-5. Schedule of fines for the Home Inspection Industry [EXPIRED]

[Source: Added at 26 Ok Reg 387, eff 11-14-08 through 7-14-09 (emergency)²]

EDITOR'S NOTE: ¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective (see also Agency Note² below). Therefore, on 7-15-09 (after the 7-14-09 expiration of this emergency action), Section 158:10-3-5 was no longer effective. For the official text of the emergency rule that was in effect from 11-14-08 through 7-14-09, see 26 Ok Reg 387.

AGENCY NOTE: ² See 158:10-3-1 for fines effective as of 7-11-09.

SUBCHAPTER 5. OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

158:10-5-1. Purpose

Pursuant to the Oklahoma Small Business Regulatory Flexibility Act (75 O.S. § 501, *et seq.*), these Rules apply to all fines and penalties imposed by the Board.

[Source: Added at 20 Ok Reg 2650, eff 7-26-03; Amended at 30 Ok Reg 1531, eff 7-11-13]

158:10-5-2. Definitions

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

"Fine or penalty" means a consequence that is a result of violating any statute, ordinance or rule governed by the Board pursuant to the Construction Industries Board Act.

"Small Business" means a for-profit enterprise consisting of fifty (50) or fewer full-time or part-time employees that is subject to regulation by the Board.

[Source: Added at 20 Ok Reg 2650, eff 7-26-03; Amended at 31 Ok Reg 897, eff 9-12-14]

158:10-5-3. Waiver or Reduction of Administrative fine or penalty

(a) Pursuant to the Oklahoma Small Business Regulatory Flexibility Act, a small business which is regulated by the Board can request a waiver or reduction in an administrative fine or penalty. An administrative fine or penalty may be waived by the Board against a small business if:

- (1) The small business corrected the violation within thirty (30) days of receiving notice of a violation or a citation; or
- (2) The violation was the result of an excusable misunderstanding of the Board's interpretation of a rule.

(b) The Board may not grant a waiver or reduction if:

- (1) The small business was notified of the violation of a statute, ordinance or rule by the Board, i.e., given a warning prior to the issuance of an administrative fine or penalty;
- (2) The small business did not exercise good faith in complying with a statute, ordinance or rule;
- (3) The violation involved willful or criminal conduct by the small business;

- (4) The violation resulted in a serious health, safety or environmental impact; or
- (5) The fine or penalty was assessed pursuant to federal law and for which no waiver was authorized by federal law or regulation.

[Source: Added at 20 Ok Reg 2650, eff 7-26-03; Amended at 31 Ok Reg 897, eff 9-12-14]