

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

SUBCHAPTER 1. GENERAL PROVISIONS

158:40-1-1. Purpose

The rules in this Chapter implement the Electrical License Act.

[Source: Added at 19 Ok Reg 726, eff 1-22-02 (emergency); Added at 19 Ok Reg 1269, eff 5-28-02; Amended at 31 Ok Reg 907, eff 9-12-14]

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.

[Source: Added at 19 Ok Reg 726, eff 1-22-02 (emergency); Added at 19 Ok Reg 1269, eff 5-28-02; Amended at 19 Ok Reg 3039, eff 8-13-02 through 7-14-03 (emergency); Amended at 20 Ok Reg 2655, eff 7-26-03; Amended at 28 Ok Reg 2341, eff 8-25-11; Amended at 31 Ok Reg 907, eff 9-12-14; Amended 32 Ok Reg 1625, eff 9-11-15; Amended at 34 Ok Reg 879, eff 10-1-17]

158:40-1-3. License requirement

(a) No person, on their own behalf or on behalf of an electrical firm, shall engage or offer to engage in, by advertisement or otherwise, any electrical work who does not possess a valid and appropriate license or registration from the Construction Industries Board pursuant to this Chapter.

(b) No person shall act as a foreman, supervisor or superintendent over any electrical work on behalf of an electrical contractor unless such person possesses a valid license as an electrical contractor or journeyman from the Construction Industries Board in the appropriate category for the work performed.

(c) Any changes in address, business relationship, structure or affiliation shall be reported in writing to the Oklahoma Construction Industries Board within thirty (30) days of such change.

[Source: Added at 19 Ok Reg 726, eff 1-22-02 (emergency); Added at 19 Ok Reg 1269, eff 5-28-02; Amended at 25 Ok Reg 1859, eff 6-26-08; Amended at 28 Ok Reg 2341, eff 8-25-11; Amended at 31 Ok Reg 907, eff 9-12-14; Amended at 32 Ok Reg 1625, eff 9-11-15]

158:40-1-4. Standard of installation

The standards of installation are the provisions of the electrical codes – the National Electrical Code (National Fire Protection Association, "NFPA" 70) and the electrical portion of the International Residential Code, as revised and adopted by the OUBCC pursuant to the Oklahoma Uniform Building Code Commission Act.

[Source: Added at 19 Ok Reg 726, eff 1-22-02 (emergency); Added at 19 Ok Reg 1269, eff 5-28-02; Amended at 19 Ok Reg 3039, eff 8-13-02 through 7-14-03 (emergency); Amended at 20 Ok Reg 2655, eff 7-26-03; Added at 22 Ok Reg 1060, eff 5-26-05; Amended at 25 Ok Reg 1859, eff 6-26-08; Amended at 28 Ok Reg 2341, eff 8-25-11; Amended at 30 Ok Reg 1539, eff 7-11-13; Amended at 32 Ok Reg 1625, eff 9-11-15]

SUBCHAPTER 3. PROCEDURES OF THE COMMITTEE AND THE HEARING BOARD

158:40-3-1. Procedures of the Committee

(a) Committee meetings are generally, unless otherwise stated by the Administrator, held in the principal offices of the Construction Industries Board referenced at OAC 158:1-3-1. The

Committee shall oversee the continuing availability of the examination and shall meet as often as is necessary, but at least once each quarter when applications are pending. Meetings of the Committee will comply with the Oklahoma Open Meeting Act.

(b) The Committee shall work with the Construction Industries Board to provide for the administration, grading and processing of electrical examinations, by contract or otherwise. The Committee may recommend regulations to the Administrator and to the Construction Industries Board, and shall act as advisor to the Administrator on electrical matters.

(c) Application for licensure shall be done by filling out an application for examination on a form provided by the Electrical License Unit.

(d) The public may communicate with the Committee, in person or by mail, through the Oklahoma Construction Industries Board. All records not privileged from disclosure by law are subject to the provisions of the Oklahoma Open Records Act, 51 O.S. § 24A.1, *et seq.* Copies will be provided upon payment of the fee for copies as set forth in OAC 158:1-3-5.

[Source: Added at 19 Ok Reg 726, eff 1-22-02 (emergency); Added at 19 Ok Reg 1269, eff 5-28-02; Amended at 23 Ok Reg 1213, eff 5-25-06; Amended at 28 Ok Reg 2341, eff 8-25-11; Amended at 30 Ok Reg 1539, eff 7-11-13; Amended at 31 Ok Reg 907, eff 9-12-14; Amended at 32 Ok Reg 1625, eff 9-11-15]

158:40-3-2. Procedures of the Hearing Board

(a) The Hearing Board shall meet as often as is necessary to enforce the requirements of the Act and this Chapter. The Hearing Board shall be comprised of a designee of the Oklahoma Construction Industries Board and the Committee.

(b) The standard of installation to be used by the Hearing Board for individual proceedings concerning the work of contractors, journeymen and apprentices shall be the applicable standard established pursuant to OAC 158:40-1-4, unless a city or county electrical requirement is otherwise applicable as a matter of law.

[Source: Added at 19 Ok Reg 726, eff 1-22-02 (emergency); Added at 19 Ok Reg 1269, eff 5-28-02; Amended at 28 Ok Reg 2341, eff 8-25-11; Amended at 31 Ok Reg 907, eff 9-12-14; Amended at 32 Ok Reg 1625, eff 9-11-15]

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

158:40-5-1. Apprentice requirements

(a) Apprentice electricians shall be registered with the Construction Industries Board and must be under the direct "on-the-job" supervision of a licensed journeyman or contractor of the appropriate category of the work performed when engaged in the work of an apprentice.

(b) No more than two (2) apprentice electricians shall work under the supervision of a single journeyman or contractor.

(c) Apprentice electricians shall work only under a licensed electrician who shall be responsible for the direct supervision of no more than two electrical apprentices.

(d) Apprenticeship registration is effective upon the posting of the application and evidence of such posting shall be a copy of the executed application form with proof of tender of the proper fee which may serve as evidence of registration for a period not to exceed thirty (30) days.

(e) Prior to engaging in any activity described in (f) of this Section, a registered electrical apprentice shall obtain an alarm endorsement registration from the Construction Industries

Board. Such alarm endorsement registration may only be issued to an applicant upon the completion of a satisfactory national criminal history record check. An application for an alarm endorsement registration shall require an additional fee in accordance with OAC 158:40-9-3. To obtain an alarm endorsement registration, a registered apprentice electrician shall provide the following:

- (1) A recent passport style and quality photograph;
- (2) Two classifiable sets of fingerprints taken by a local, state or federal law enforcement agency;
- (3) A disclosure of convictions of all crimes of applicant, both felony and misdemeanor; and,
- (4) Other such information as required by 74 O.S. §150.9 for a national criminal history record check.

(f) A registered apprentice electrician shall not sell, 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 when the registered apprentice electrician has disclosed or a national criminal history record check reveals a conviction of applicant for a disqualifying crime, as described in (h) of this Section.

(g) A satisfactory "national criminal history record check" means a national criminal history record check which reveals no disqualifying crime, as described in (h) of this Section.

(h) "Disqualifying crime" includes any conviction by any state or the United States of any of the following:

- (1) Murder in any degree;
- (2) Voluntary manslaughter;
- (3) Rape;
- (4) Lewd conduct with a minor;
- (5) Sexual abuse or exploitation of a child, including offenses involving child pornography;
- (6) Kidnapping;
- (7) Robbery;
- (8) Burglary;
- (9) Possession of stolen property;
- (10) Aggravated assault;
- (11) Aggravated battery;
- (12) Arson;
- (13) Any felony punishable by death or life imprisonment;
- (14) Any felony determined by the Construction Industries Board Administrator to be an offense which constitutes the theft, damage or destruction of property or the infliction of physical harm on another person committed while unlawfully present on the property of another;
- (15) Attempt, conspiracy or accessory after the fact or aiding and abetting to commit any disqualifying crime; or
- (16) A disqualifying five year crime as set forth in (i) of this Section.

(i) A "disqualifying five year crime" shall mean a conviction within five years of the date of application for alarm endorsement registration by any state or the United States of any of the following:

- (1) Felony theft or grand theft;
- (2) Felony passing of a bogus, stolen, fraudulent or counterfeit check;
- (3) A felony involving a controlled substance;
- (4) A felony involving a firearm;
- (5) Forgery or counterfeiting;
- (6) Forgery of or fraudulent use of a credit card;
- (7) A felony involving the theft of the identity of another;
- (8) A felony involving fraud or embezzlement;
- (9) Insurance or public assistance fraud;
- (10) Any felony other than a "disqualifying crime" determined by the Construction Industries Board Administrator to be an offense which constitutes the theft, damage or destruction of property of another;
- (11) Any felony other than a "disqualifying crime" determined by the Construction Industries Board Administrator to be an offense which constitutes the infliction of physical harm on another person;
- (12) Attempt, conspiracy, accessory after the fact or aiding and abetting to commit any disqualifying five-year crime.

(j) An individual who has been convicted of a disqualifying crime as set forth in (h) of this Section shall be denied an alarm endorsement registration. Written notice of said denial shall be issued by the Construction Industries Board Administrator after completion and review of the individual's national criminal history record check. An individual has ten (10) business days after receipt of the denial to appeal said denial in writing to the Construction Industries Board Administrator. The Construction Industries Board Administrator shall issue a written decision to said appeal within ten (10) business days after receiving same. The Administrator's decision may be appealed to the Electrical Hearing Board within ten (10) business days after receipt of the Administrator's written decision. An appeal of a denial of an alarm endorsement registration to the Electrical Hearing Board shall be governed by Article II of the Administrative Procedures Act, 75 O.S. § 308a, *et seq.*

[Source: Added at 19 Ok Reg 726, eff 1-22-02 (emergency); Added at 19 Ok Reg 1269, eff 5-28-02; Amended at 20 Ok Reg 2655, eff 7-26-03; Amended at 26 Ok Reg 2454, eff 7-11-09; Amended at 27 Ok Reg 2083, eff 7-11-10; Amended at 28 Ok Reg 2341, eff 8-25-11]; Amended at 31 Ok Reg 907, eff 9-12-14; Amended at 32 Ok Reg 1625, eff 9-11-15]

158:40-5-2. Journeyman requirements

- (a) Each journeyman must be licensed and employed by a licensed contractor before engaging in the work of a journeyman electrician.
- (b) No journeyman shall contract to furnish labor or labor and materials.
- (c) Prior to engaging in any activity described in (d) of this Section, a licensed electrical journeyman shall obtain an electrical license alarm endorsement from the Construction Industries Board. Such alarm endorsement may only be issued to an applicant upon the completion of a satisfactory national criminal history record check. An application for an electrical license alarm endorsement shall require an additional fee in accordance with OAC 158:40-9-3. To obtain an electrical license alarm endorsement, a licensed electrical journeyman shall provide the following:
 - (1) A recent passport style and quality photograph;
 - (2) Two classifiable sets of fingerprints taken by a local, state or federal law enforcement agency;

(3) A disclosure of convictions of all crimes of applicant, both felony and misdemeanor; and,

(4) Other such information as required by 74 O.S. § 150.9 for a national criminal history record check.

(d) A licensed journeyman electrician shall not sell, 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 when the licensed journeyman electrician has disclosed or a national criminal history record check reveals a conviction of applicant for a disqualifying crime, as described in (f) of this Section.

(e) A satisfactory "national criminal history record check" means a national criminal history record check which reveals no disqualifying crime, as described in (f) of this Section.

(f) "Disqualifying crime" includes any conviction by any state or the United States of any of the following:

- (1) Murder in any degree;
- (2) Voluntary manslaughter;
- (3) Rape;
- (4) Lewd conduct with a minor;
- (5) Sexual abuse or exploitation of a child, including offenses involving child pornography;
- (6) Kidnapping;
- (7) Robbery;
- (8) Burglary;
- (9) Possession of stolen property;
- (10) Aggravated assault;
- (11) Aggravated battery;
- (12) Arson;
- (13) Any felony punishable by death or life imprisonment;
- (14) Any felony determined by the Construction Industries Board Administrator to be an offense which constitutes the theft, damage or destruction of property or the infliction of physical harm on another person committed while unlawfully present on the property of another;
- (15) Attempt, conspiracy or accessory after the fact or aiding and abetting to commit any disqualifying crime; or
- (16) A disqualifying five year crime as set forth in (g) of this Section.

(g) A "disqualifying five year crime" shall mean a conviction within five years of the date of application for electrical license alarm endorsement by any state or the United States of any of the following:

- (1) Felony theft or grand theft;
- (2) Felony passing of a bogus, stolen, fraudulent or counterfeit check;
- (3) A felony involving a controlled substance;
- (4) A felony involving a firearm;
- (5) Forgery or counterfeiting;
- (6) Forgery of or fraudulent use of a credit card;
- (7) A felony involving the theft of the identity of another;
- (8) A felony involving fraud or embezzlement;

- (9) Insurance or public assistance fraud;
- (10) Any felony other than a "disqualifying crime" determined by the Construction Industries Board Administrator to be an offense which constitutes the theft, damage or destruction of property of another;
- (11) Any felony other than a "disqualifying crime" determined by the Construction Industries Board Administrator to be an offense which constitutes the infliction of physical harm on another person; or
- (12) Attempt, conspiracy, accessory after the fact or aiding and abetting to commit any disqualifying five-year crime.

(h) An individual who has been convicted of a disqualifying crime as set forth in (f) of this Section shall be denied an electrical license alarm endorsement. Written notice of said denial shall be issued by the Construction Industries Board Administrator after completion and review of the individual's national criminal history record check. An individual has ten (10) business days after receipt of the denial to appeal said denial in writing to the Construction Industries Board Administrator. The Construction Industries Board Administrator shall issue a written decision to said appeal within ten (10) business days after receiving same. The Administrator's decision may be appealed to the Electrical Hearing Board within ten (10) business days after receipt of the Administrator's written decision. An appeal of a denial of an electrical license alarm endorsement to the Electrical Hearing Board shall be governed by Article II of the Administrative Procedures Act, 75 O.S. § 308a, *et seq.*

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158:40-5-3. Contractor requirements

- (a) Each electrical firm must have a person who is currently licensed as an electrical contractor employed full time, and who shall give full time to the supervision and control of operations necessary to secure full compliance with the provisions of the Act and this Chapter. Such contractor shall be an officer, partner or owner of that electrical firm, and shall be responsible for the work of and licensed on behalf of that electrical firm.
- (b) An electrical contractor may choose to place his or her license on inactive status and not be required to provide a bond and insurance. An inactive electrical contractor is a person who, because of the nature of his or her business, does not hold out or offer to provide services to the public as an electrical contractor. The inactive electrical contractor's license may be used to perform work as a journeyman electrician.
- (c) Each electrical contractor shall advise the Electrical License Unit by mail within thirty (30) days of any change in address or business relationship, structure or affiliation. Failure to so notify shall be cause for administrative sanction.
- (d) An electrical contractor shall only be permitted to represent one electrical firm.
- (e) When two or more electrical firms desire to associate on a job or project as electrical contractors, each person or electrical firm shall have an electrical contractor licensed by the Board, and each shall register with the city or town in whose jurisdiction they intend to operate where registration is required.
- (f) Each person on initial application and upon receiving an active contractor's license, prior to engaging in electrical work, and all active electrical contractors submitting renewal applications, shall provide proof of compliance with bond and insurance requirements as set forth in OAC 158:40-5-5 and proof of compliance with 68 O.S. §§ 1701 through 1707, by providing the

following:

- (1) Address of business;
 - (2) Phone number of business;
 - (3) Number of employees;
 - (4) Federal Tax Number;
 - (5) Employer's Social Security Numbers;
 - (6) Employer's account number assigned by the Oklahoma Employment Security Commission;
 - (7) Nonresident electrical contractor bond on file with the Oklahoma Tax Commission, if applicable; and
 - (8) Proof of workers' compensation policy in compliance with the provisions of Titles 85 and 85A of the Oklahoma Statutes.
- (g) Each active electrical contractor shall document the hours worked by each apprentice electrician and the hours worked in commercial, industrial and residential electrical work.
- (h) Prior to engaging in any activity described in (i) of this Section, a licensed electrical contractor shall obtain an electrical license alarm endorsement from the Construction Industries Board. Such alarm endorsement may only be issued to an applicant upon the completion of a satisfactory national criminal history record check. An application for an electrical license alarm endorsement shall require an additional fee in accordance with OAC 158:40-9-3. To obtain an electrical license alarm endorsement, a licensed electrical contractor shall provide the following:
- (1) A recent passport style and quality photograph;
 - (2) Two classifiable sets of fingerprints taken by a local, state or federal law enforcement agency;
 - (3) A disclosure of convictions of all crimes of applicant, both felony and misdemeanor; and,
 - (4) Other such information as required by 74 O.S. § 150.9 for a national criminal history record check.
- (i) A licensed electrical contractor shall not sell, 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 when the licensed contractor electrician has disclosed or a national criminal history record check reveals a conviction of applicant for a disqualifying crime, as described in (k) of this Section.
- (j) A satisfactory "national criminal history record check" means a national criminal history record check which reveals no disqualifying crime, as described in (k) of this Section.
- (k) "Disqualifying crime" includes any conviction by any state or the United States of any of the following:
- (1) Murder in any degree;
 - (2) Voluntary manslaughter;
 - (3) Rape;
 - (4) Lewd conduct with a minor;
 - (5) Sexual abuse or exploitation of a child, including offenses involving child pornography;
 - (6) Kidnapping;
 - (7) Robbery;
 - (8) Burglary;

- (9) Possession of stolen property;
 - (10) Aggravated assault;
 - (11) Aggravated battery;
 - (12) Arson;
 - (13) Any felony punishable by death or life imprisonment;
 - (14) Any felony determined by the Construction Industries Board Administrator to be an offense which constitutes the theft, damage or destruction of property or the infliction of physical harm on another person committed while unlawfully present on the property of another;
 - (15) Attempt, conspiracy or accessory after the fact or aiding and abetting to commit any disqualifying crime; or
 - (16) A disqualifying five year crime as set forth in (l) of this Section.
- (l) A "disqualifying five year crime" shall mean a conviction within five years of the date of application for electrical license alarm endorsement by any state or the United States of any of the following:
- (1) Felony theft or grand theft;
 - (2) Felony passing of a bogus, stolen, fraudulent or counterfeit check;
 - (3) A felony involving a controlled substance;
 - (4) A felony involving a firearm;
 - (5) Forgery or counterfeiting;
 - (6) Forgery of or fraudulent use of a credit card;
 - (7) A felony involving the theft of the identity of another;
 - (8) A felony involving fraud or embezzlement;
 - (9) Insurance or public assistance fraud;
 - (10) Any felony other than a "disqualifying crime" determined by the Construction Industries Board Administrator to be an offense which constitutes the theft, damage or destruction of property of another;
 - (11) Any felony other than a "disqualifying crime" determined by the Construction Industries Board Administrator to be an offense which constitutes the infliction of physical harm on another person; or
 - (12) Attempt, conspiracy, accessory after the fact or aiding and abetting to commit any disqualifying five-year crime.
- (m) An individual who has been convicted of a disqualifying crime as set forth in (k) of this Section shall be denied an electrical license alarm endorsement. Written notice of said denial shall be issued by the Construction Industries Board Administrator after completion and review of the individual's national criminal history record check. An individual has ten (10) business days after receipt of the denial to appeal said denial in writing to the Construction Industries Board Administrator. The Construction Industries Board Administrator shall issue a written decision to said appeal within ten (10) business days after receiving same. The Administrator's decision may be appealed to the Electrical Hearing Board within ten (10) business days after receipt of the Administrator's written decision. An appeal of a denial of an electrical license alarm endorsement to the Electrical Hearing Board shall be governed by Article II of the Administrative Procedures Act, 75 O.S. § 308a, *et seq.*

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158:40-5-4. Display of license number and firm name

(a) All electrical contractors or electrical firms shall, on all vehicles used to transport materials and tools in the operation of the business, display the firm name and the license number bearing the initials "OK" preceding that number issued by the Administrator. Such signs and license numbers shall be printed in letters and numerals at least two (2) inches high in conspicuous places on both sides of each vehicle in contrasting color to background surface.

(b) The Electrical Contractor State License Number must be displayed on all advertising, contracts, and bids. Advertising for the purposes of this Section shall not include uniforms or promotional items including but not limited to pens, pencils, key chains, tape measures, and the like.

(c) The pocket license issued by the Administrator shall be on the electrician's person while on the job.

[Source: Added at 19 Ok Reg 726, eff 1-22-02 (emergency); Added at 19 Ok Reg 1269, eff 5-28-02; Amended at 20 Ok Reg 2655, eff 7-26-03; Amended at 24 Ok Reg 1212, eff 5-25-07; Amended at 32 Ok Reg 1625, eff 9-11-15]

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 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.

[Source: Added at 19 Ok Reg 726, eff 1-22-02 (emergency); Added at 19 Ok Reg 1269, eff 5-28-02; Amended at 21 Ok Reg 765, eff 4-26-04; Added at 22 Ok Reg 1060, eff 5-26-05; Amended at 25 Ok Reg 1859, eff 6-26-08; Amended at 31 Ok Reg 907, eff 9-12-14; Amended at 32 Ok Reg 1625, eff 9-11-15; Amended at 34 Ok Reg 879, eff 10-1-17]

SUBCHAPTER 7. LICENSE CLASSIFICATIONS

158:40-7-1. Unlimited electrical license

- (a) Applicants for an unlimited electrical contractor examination must be eighteen (18) years of age or older and must verify at least twelve thousand (12,000) hours (6 years) experience on-the-job in electrical construction work. At least six thousand (6,000) of the hours of experience must be verified in commercial/industrial work. Experience must be obtained while employed by a licensed electrical contractor. No more than two thousand (2,000) of verified actual classroom hours of formal electrical education may be counted toward the experience requirement. Applicants must submit proof of two (2) years' experience as an unlimited licensed electrical journeyman prior to making application for the unlimited electrical contractor's license.
- (b) Applicants for an unlimited electrical journeyman examination must be eighteen (18) years of age or older and must verify eight thousand (8,000) hours (4 years) on-the-job experience in the electrical construction trade, as defined in 90.2 National Electrical Code, under the supervision of a journeyman or contractor. Experience must be obtained while employed by a licensed electrical contractor. Four Thousand (4,000) of the hours of experience must be verified in commercial/industrial work. No more than two thousand (2,000) of verified actual classroom hours of formal electrical education may be counted toward the experience requirement.
- (c) A licensed residential electrician may work as an apprentice electrician on commercial/industrial jobs in order to qualify experience for an unlimited license exam.
- (d) A licensed residential electrician may work as an apprentice under the unlimited license category.

[Source: Added at 19 Ok Reg 726, eff 1-22-02 (emergency); Added at 19 Ok Reg 1269, eff 5-28-02; Amended at 28 Ok Reg 2341, eff 8-25-11; Amended at 30 Ok Reg 1539, eff 7-11-13; Amended at 31 Ok Reg 907, eff 9-12-14; Amended at 32 Ok Reg 1625, eff 9-11-15]

158:40-7-2. Residential electrical license

- (a) Residential electrical licenses are limited to wiring buildings as defined in the National Electrical Code for one and two family dwellings.
- (b) Applicants for residential electrical contractor examination must:
 - (1) be eighteen (18) years of age or older,
 - (2) have passed the residential or unlimited journeyman examination, and
 - (3) submit proof of two (2) years experience as a licensed electrical journeyman and have at least four thousand (4,000) hours of experience as a residential or unlimited journeyman electrician under the employment and supervision of an unlimited or

residential electrical contractor.

- (c) Applicants for residential electrical journeyman examination must:
- (1) be eighteen (18) years of age or older, and
 - (2) verify at least four thousand (4,000) hours (2 years) experience in the electrical construction trade as an apprentice under the direct supervision of an unlimited or residential journeyman electrician or unlimited or residential electrical contractor, with no more than one thousand (1,000) of verified actual classroom hours of formal electrical education being counted toward the experience requirement.

[Source: Added at 19 Ok Reg 726, eff 1-22-02 (emergency); Added at 19 Ok Reg 1269, eff 5-28-02; Amended at 23 Ok Reg 1213, eff 5-25-06; Amended at 28 Ok Reg 2341, eff 8-25-11; Amended at 31 Ok Reg 907, eff 9-12-14; Amended at 32 Ok Reg 1625, eff 9-11-15]

158:40-7-3. Electrical inspectors [REVOKED]

[Source: Added at 19 Ok Reg 726, eff 1-22-02 (emergency); Added at 19 Ok Reg 1269, eff 5-28-02; Revoked at 28 Ok Reg 2341, eff 8-25-11]

158:40-7-4. Limited electrical contractor

- (a) Applicants for Limited Electrical Contractor examination must be eighteen (18) years of age or older and must have a degree in Electrical Engineering from an accredited college or university. Additionally, an applicant must have eight thousand (8,000) hours (4 years) of electrical experience in field construction, electrical estimating, electrical project management in commercial and industrial electrical work; or
- (b) Applicants for a Limited Electrical Contractor examination must be eighteen (18) years of age or older and must verify sixteen thousand (16,000) hours (8 years) experience in the electrical trade performing electrical work, estimating or project management. The experience must be verified in commercial and/or industrial work.

[Source: Added at 19 Ok Reg 726, eff 1-22-02 (emergency); Added at 19 Ok Reg 1269, eff 5-28-02; Amended at 31 Ok Reg 907, eff 9-12-14; Amended at 32 Ok Reg 1625, eff 9-11-15]

158:40-7-5. Electrical journeyman and contractor licenses by reciprocity

- (a) **General procedures for application.** Any person holding a valid electrical journeyman license or electrical 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 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 an application is disapproved by the Board or its designee, 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 an

electrical journeyman license by reciprocity must pay the journeyman application fee and the initial journeyman license fee as set forth in OAC 158:40-9-3(b). If the person is applying for an electrical contractor license, the person must pay the contractors application fee and the initial contractor license fee as set forth in OAC 158:40-9-3(b). 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 is 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 experience in commercial/industrial work required by the other state is substantially the same or equivalent to the Board's requirements;

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

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

(E) 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; and

(F) Whether the above-listed factors are set forth and determined to be substantially the same or equivalent in a written reciprocity agreement.

(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 (c)(1) of this Section and that one 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 an electrical 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 Electrical Contractor Business and Law portion of the full contractor examination and satisfaction of the insurance and bonding requirements of OAC 158:40-5-5.

[Source: Added at 21 Ok Reg 494, eff 11-14-03 (emergency); Added at 21 Ok Reg 765, eff 4-26-04; Amended at 30 Ok Reg 1539, eff 7-11-13; Amended at 31 Ok Reg 907, eff 9-12-14; Amended at 32 Ok Reg 1625, eff 9-11-15]

158:40-7-6. Refinery electrical license

- (a) Applicants for a refinery electrical journeyman examination must:
- (1) be eighteen (18) years of age or older;
 - (2) successfully pass the unlimited refinery electrical journeyman exam; and
 - (3) have a verifiable license in the unlimited electrical classification issued by a jurisdiction outside of the State of Oklahoma. The license must be:
 - (A) current, and
 - (B) in good standing.
- (b) Refinery electrical license holders may perform electrical work only in refinery facilities. For purposes of this section, refinery facilities shall mean any facility designed and operated to receive, unload, store, process and refine raw crude oil.

[Source: Added at 23 Ok Reg 1148, eff 3-29-06 (emergency); Added at 24 Ok Reg 1212, eff 5-25-07; Amended at 31 Ok Reg 907, eff 9-12-14]

158:40-7-7. Poultry house contractor license

- (a) **Definition.** "Poultry house contractor" means any person who has qualified to become licensed in accordance with 59 O.S. § 1686.1 and 158:40-7-7.
- (b) **Limitations.** Poultry house contractor license holders cannot perform any wiring for a structure or electrical facility that is not directly involved in the operation of the environmentally controlled poultry house wiring system. The poultry house contractor license allows contracting only for wiring of environmentally controlled poultry house systems and does not disallow or exclude unlimited electrical contractors from performing poultry house wiring work under an unlimited electrical contractor license without a poultry house contractor license. All licenses shall be nontransferable.
- (c) **License requirements.**
- (1) Applicants for Poultry House Contractor must be eighteen (18) years of age or over, be the party performing, overseeing, or otherwise responsible for the work performing solely poultry house premise wiring for environmentally controlled poultry house systems, and the insured poultry house wiring to connect the premise wiring, and who do not perform any wiring for a structure or electrical facility that is not directly involved in the operation of the environmentally controlled poultry house wiring system.
 - (2) Applicants must provide all necessary information and documentation required under the Electrical Licensing Act, rules, and as requested by the Board.
- (d) **Insurance requirements.**
- (1) Applicants for the Poultry House Contractor License must provide a copy of the certificate of liability insurance at the time of application.
 - (2) The amount of liability insurance shall not be less than Five Hundred Thousand Dollars (\$500,000.00).

- (3) Any insurance company issuing a liability policy to the applicant shall be required to notify the Construction Industries Board in the event such liability policy is cancelled for any reason or lapses for nonpayment of premiums.
- (4) Applicants shall submit proof of Worker's Compensation coverage under the Worker's Compensation Act or affidavit of exemption or self-insurance as authorized pursuant to the Worker's Compensation Act.
- (e) **License renewal.** A poultry house license shall expire one (1) year from the date of issuance at which time the license may be renewed upon meeting the requirements of 59 O.S. § 1686.1, and paying the nonrefundable license renewal fee in the amount of Two Hundred Dollars (\$200.00). No continuing education is required for renewal of a poultry house contractor license.
- (f) **Experience non-qualifying for other license categories.** Experience under the Poultry House Contractor license shall not be considered qualifying experience for application of any other electrical license category.
- (g) **Suspension or revocation of license.** The Electrical Hearing Board shall suspend or revoke a poultry house contractor license for reasons as stated in the Act in accordance with procedures established in this Chapter and in OAC 158:1.

[Source: Added at 32 OK Reg 703, eff 7-1-15 (emergency); Added at 33 Ok Reg 580, eff 8-25-16]

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

158:40-9-1. Examination applications

- (a) Applicants for electrical 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 Oklahoma Construction Industries Board will not consider experience obtained in or outside of Oklahoma 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 electrical construction work as defined in the Act.
- (b) Formal electrical education shall mean attendance at a technical school or one or more training courses approved by the Committee, with specialization in electrical wiring skills. The credit shall be based upon actual classroom hours. Applicants must present transcripts showing schools, classroom hours attended, grades and certificates achieved to substitute education for experience. The Administrator shall make the final determination.

[Source: Added at 19 Ok Reg 726, eff 1-22-02 (emergency); Added at 19 Ok Reg 1269, eff 5-28-02; Amended at 28 Ok Reg 2341, eff 8-25-11; Amended at 32 OK Reg 1625, eff 9-11-15]

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.
- (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.
- (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.
- (h) Applicants for a contractor license must be capable of reading without assistance.
- (i) Unless authorized by the Administrator, only examinees shall be permitted in the examination area.
- (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.
- (k) Applicants shall present positive identification before undertaking an examination.
- (l) 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.

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

[Source: Added at 19 Ok Reg 726, eff 1-22-02 (emergency); Added at 19 Ok Reg 1269, eff 5-28-02; Amended at 20 Ok Reg 2655, eff 7-26-03; Amended at 25 Ok Reg 1859, eff 6-26-08; Amended at 31 Ok Reg 907, eff 9-12-14; Amended at 33 Ok Reg 580, eff 8-25-16; Amended at 34 Ok Reg 879, eff 10-1-17]

158:40-9-2.1. Acceptance of Military education, training and experience toward qualification for licensure examination

(a) **Licensure – post-military service.** See OAC 158:1-3-10 for provisions related to the application of substantially equivalent education, training, and experience completed as a member of the Armed Forces or Reserves of the United States, National Guard of any jurisdiction, the Military Reserves of any jurisdiction, or the Naval Militias of any jurisdiction toward satisfying the qualifications for examination and license issuance.

(b) **Military spouse applicant – equivalency.** See OAC 158:1-3-10 for provisions related to issuance of an equivalent license in an equivalent category for the spouse of an active-duty member of the Armed Forces or Reserves of the United States.

[Source: Added at 32 Ok Reg 1625, eff 9-11-15]

158:40-9-2.2. Expediting issuances of license to military spouse

See OAC 158:1-3-11 for provisions related the Board expediting the issuance of a license for spouses of certain members of the Armed Forces on active duty in this State.

[Source: Added at 32 Ok Reg 1625, eff 9-11-15]

158:40-9-2.3. Renewals for licensee - post-military service

See OAC 158:1-3-12 for provisions related to license renewal while a licensee holder is a member of the Armed Forces of the United States on active duty, and for provisions related to a licensee whose license expires while on active duty as a member of the National Guard or reserve component of the Armed Forces.

[Source: Added at 32 Ok Reg 1625, eff 9-11-15]

158:40-9-3. License and registration fees and renewals

(a) **Examination fees for contractors and journeyman.** The Construction Industries Board, or its designated representative, may collect for the actual cost of any examination provided by this Chapter. The cost for each such examination referenced in OAC 158:40-9-2 shall be posted in plain view at the testing site that provides and administers the examination. Every person whose application for examination is approved shall be informed of the specific fee prior to setting for the examination. The unit testing fee shall be the amount negotiated by the Administrator in accordance with the provisions of the Oklahoma Central Purchasing Act, but cannot exceed the maximum allowable fee provided in 59 O.S. § 1000.5(A)(2). Documentation confirming the contractual fee shall be available upon request.

(b) **Licensing, registration and application fee schedule for contractors, journeyman, and apprentices.** The licensure, application, and registration and annual renewal fees shall be as follows:

- (1) contractors application - \$30.00
- (2) initial contractor license - \$300.00
- (3) renewal contractor license - \$200.00
- (4) renewal contractor license with late fee - \$300.00
- (5) journeyman application - \$25.00
- (6) initial journeyman license - \$50.00
- (7) renewal journeyman license - \$75.00
- (8) renewal journeyman license with late fee - \$100.00
- (9) apprentice application - \$5.00
- (10) apprentice registration - \$20.00
- (11) initial alarm endorsement - \$75.00
- (12) renewal alarm endorsement - \$25.00

(c) **License renewal penalties.** Thirty (30) days after the expiration of a license for contractors and journeyman a late license renewal fee is effective, as provided in the Act and as listed in (b) of this Section. Upon meeting the continuing education requirements listed in OAC 158:40-9-4, a license may be renewed up to a year from the original renewal date. Any license which remains expired for longer than one (1) year shall not be renewed. The former license holder shall be required to make an initial application and retest to obtain the license formerly held.

(d) **Outstanding fines.** A license cannot be issued or renewed until the applicant has paid any and all outstanding fines due and owing to any division of the Construction Industries Board.

(e) **Duration of licenses.** All licenses and alarm endorsements shall have a duration of no longer than one year, and shall expire on the last day of the birth month of the licensee each year. The alarm endorsement for apprentices shall expire on the expiration date of each apprentice registration.

[Source: Added at 19 Ok Reg 726, eff 1-22-02 (emergency); Added at 19 Ok Reg 1269, eff 5-28-02; Amended at 20 Ok Reg 222, eff 10-22-02 through 7-14-03 (emergency); Amended at 20 Ok Reg 2655, eff 7-26-03; Amended at 21 Ok Reg 494, eff 11-14-03 (emergency); Amended at 21 Ok Reg 494, eff 11-14-03 (emergency); Amended at 21 Ok Reg 765, eff 4-26-04; Amended at 26 Ok Reg 2454, eff 7-11-09; Amended at 27 Ok Reg 2083, eff 7-11-10; Amended at 28 Ok Reg 2341, eff 8-25-11; Amended at 30 Ok Reg 1539, eff 7-11-13; Amended at 31 Ok Reg 907, eff 9-12-14; Amended at 32 Ok Reg 1625, eff 9-11-15]

158:40-9-4. Continuing education

(a) Continuing Education Requirements.

(1) No contractor or journeyman license shall be renewed unless the licensee has completed at least six (6) hours of continuing education (CE) 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 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.

[Source: Added at 19 Ok Reg 726, eff 1-22-02 (emergency); Added at 19 Ok Reg 1269, eff 5-28-02; Amended at 25 Ok Reg 1859, eff 6-26-08; Amended at 28 Ok Reg 2341, eff 8-25-11; Amended at 30 Ok Reg 1539, eff 7-11-13; Amended at 31 Ok Reg 907, eff 9-12-14; Amended at 32 Ok Reg 1625, eff 9-11-15; Amended at Ok Reg 879, eff 10-1-17]

SUBCHAPTER 11. LICENSE REVOCATION OR SUSPENSION AND PROHIBITED ACTS

158:40-11-1. License revocation or suspension

(a) The employment and use of unlicensed individuals performing electrical work, the employment and use of individuals as apprentices without registration, or cheating may be considered justification to suspend or revoke said electrical contractor's license based upon illegal use of license.

(b) The repeated violation of any of the rules in this Chapter or any provision of the Act, or the violation of a multiple of any of the rules in this Chapter or provision of the Act, may be considered justification to suspend or revoke the licensee's license or registration.

[Source: Added at 19 Ok Reg 726, eff 1-22-02 (emergency); Added at 19 Ok Reg 1269, eff 5-28-02; Amended at 20 Ok Reg 2655, eff 7-26-03; Amended at 31 Ok Reg 907, eff 9-12-14; Amended at 32 Ok Reg 1625, eff 9-11-15; Amended at 33 Ok Reg 580, eff 8-25-16]

158:40-11-2. Prohibited acts

(a) The following prohibited acts apply to all license holders:

(1) No person, entity, or firm may perform work without first obtaining the appropriate license or registration pursuant to this Chapter.

(2) No licensee shall perform work contrary to any provision of the standard of installation in OAC 158:40-1-4, except as otherwise provided by law or rule. Each violation of the standard of installation in OAC 158:40-1-4 can be treated as a separate violation of this Chapter.

(3) No person shall offer to engage in work during the period his or her license is suspended or revoked.

(4) No employing firm shall employ or use an unlicensed or unregistered individual or entity to perform work.

- (5) No person, entity, or firm may transfer a license or registration.
- (6) No individual or entity, licensed pursuant to this Chapter, shall enter into an agreement for the use of his or her license with any firm or person which is, or has been adjudicated to be, in violation of any provision of the Act, or whose license is currently suspended or has within the last year been revoked, unless or until otherwise approved by the Board.
- (7) No person shall make a materially false or fraudulent statement in an application for license.
- (8) No person may alter a license.
- (9) No licensee shall perform work without keeping their license on their person or in close proximity while performing work.
- (10) No person may engage in cheating or any act involving the fraudulent misrepresentation of an applicant by an examinee.
- (11) No person or entity shall deny access to the Construction Industries Board or its representative on a job site.
- (b) The following prohibited acts apply to persons issued a contractor license:
 - (1) No licensee shall allow more than two (2) apprentices per journeyman at a job site.
 - (2) No licensee shall fail to maintain a bond and insurance as provided for in OAC 158:40-5-5.
 - (3) No licensee shall be associated with and responsible for more than one firm.
- (c) The following prohibited acts apply to persons issued a journeyman license:
 - (1) No licensee shall perform work except under the employment or supervision of a contractor.
 - (2) No licensee shall engage in the planning, contracting, or furnishing of labor and/or materials used for work.

[Source: Added at 19 Ok Reg 726, eff 1-22-02 (emergency); Added at 19 Ok Reg 1269, eff 5-28-02; Amended at 19 Ok Reg 3039, eff 8-13-02 through 7-14-03 (emergency); Amended at 20 Ok Reg 2655, eff 7-26-03; Amended at 21 Ok Reg 494, eff 11-14-03 (emergency); Amended at 21 Ok Reg 494, eff 11-14-03 (emergency); Amended at 21 Ok Reg 765, eff 4-26-04] ; Amended at 31 Ok Reg 907, eff 9-12-14; Amended at 32 Ok Reg 1625, eff 9-11-15]

SUBCHAPTER 13. PROCEDURES OF THE VARIANCE AND APPEALS BOARD, PLAN REVIEW APPLICATIONS AND FILING FEES, CODE VARIANCE APPLICATIONS AND FILING FEE AND CODE INTERPRETATION APPEALS

158:40-13-1. Plan review applications and filing fees

- (a) Applications for the review of plans and specifications to ensure conformance with State adopted installation codes may be submitted in writing to the Oklahoma Construction Industries Board. An application, and the appropriate filing fee, shall accompany the construction plans and specifications submitted for plan review. Plan review shall only be conducted for construction projects where a city or town has not adopted a trade installation code by ordinance that is more stringent than the standard of installation as described in OAC 158:40-1-4. Applications shall only be reviewed if submitted prior to the bid dates for the project.
- (b) The Board will advise the applicant through its liaison if the application is determined to be incomplete in order for the applicant to re-submit a complete plan review application.
- (c) The plan review fee for:

- (1) electrical plans and specifications shall be \$75.00;
 - (2) electrical and mechanical or plumbing plans and specifications shall be \$150.00;
 - (3) electrical, mechanical and plumbing plans and specifications shall be \$200.00.
 - (4) If electrical, plumbing, and mechanical review is required, the fees will be equally distributed among the three trades.
- (d) Plan review is not required, but is a service provided by the Board to assist with code compliance.

[Source: Added at 19 Ok Reg 726, eff 1-22-02 (emergency); Added at 19 Ok Reg 1269, eff 5-28-02; Amended at 31 Ok Reg 907, eff 9-12-14; Amended at 32 Ok Reg 1625, eff 9-11-15]

158:40-13-2. Procedures of the Variance and Appeals Board

The Administrator shall call a meeting of the Variance and Appeals Board after the Administrator receives proper application for a variance accompanied by the fifty dollar (\$50.00) filing fee or receives proper notice of an appeal of the Administrator's interpretation of the standard of installation as described in OAC 158:40-1-4, as applied to a particular installation. Variance and Appeals Board meetings are held at the principal offices of the Construction Industries Board referenced at OAC 158:1-3-1 or at another location named by the Administrator. The Variance and Appeals Board shall comply with the Oklahoma Open Meetings Act.

[Source: Added at 19 Ok Reg 726, eff 1-22-02 (emergency); Added at 19 Ok Reg 1269, eff 5-28-02; Amended at 23 Ok Reg 1213, eff 5-25-06; Amended at 31 Ok Reg 907, eff 9-12-14]

158:40-13-3. Code variance applications and filing fee

- (a) Applications for a variance from the standard of installation as described in OAC 158:40-1-4 shall be submitted to the Administrator. An application and the fifty dollar (\$50.00) filing fee shall accompany sufficient technical data submitted to support the proposed variance. Applications submitted after the use of materials or methods of construction not in conformance with the standard of installation as described in OAC 158:40-1-4 that are relevant to the application, or submitted where a city or town has adopted a more stringent trade installation code by ordinance, shall not be considered by the Variance and Appeals Board.
- (b) The applicant and the Administrator or the Administrator's designee may offer testimony to the Variance and Appeals Board which is relevant to the code variance requested. If testimony will be offered to support the application, the applicant shall include in the application the identity of the applicant's witnesses by name, profession or occupation, address and telephone number, and a concise summary of the expected testimony of each witness. If the Administrator or the Administrator's designee contests the application and will offer testimony to rebut the application, the Administrator or the Administrator's designee will provide the applicant with the identity of the witnesses by name, profession or occupation, address and telephone number, and a concise summary of the expected testimony of each witness.

[Source: Added at 19 Ok Reg 726, eff 1-22-02 (emergency); Added at 19 Ok Reg 1269, eff 5-28-02; Amended at 31 Ok Reg 907, eff 9-12-14; Amended at 33 Ok Reg 580, eff 8-25-16]

158:40-13-4. Code interpretation appeals

An electrical contractor, or any party who has an ownership interest in or who is in responsible charge of the design of or work on the electrical installation, may appeal the Administrator's interpretation of the standard of installation as described in OAC 158:40-1-4 as applied during the Administrator's review of electrical plans and specifications or inspection of the electrical installation to the Variance and Appeals Board created pursuant to 59 O.S. § 1697. Such appeals shall be made in writing to the Administrator within fourteen (14) days after the Board's code interpretation or receipt of written notice of the alleged code violation by the licensed electrical contractor, and shall be heard only if based on a claim that:

- (1) the true intent of the installation code has been incorrectly interpreted;
- (2) the provisions of the code do not fully apply; or
- (3) an equal or better form of installation is proposed.

[Source: Added at 19 Ok Reg 726, eff 1-22-02 (emergency); Added at 19 Ok Reg 1269, eff 5-28-02; Amended at 31 Ok Reg 907, eff 9-12-14]