

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 50. MECHANICAL INDUSTRY REGULATIONS**

SUBCHAPTER 1. GENERAL PROVISIONS

158:50-1-1. Purpose

The rules in this Chapter set forth definitions, provide for categories and limitations of licenses, provide for registration of apprentices, establish bond and insurance requirements to preclude municipal requirements, adopt standards for mechanical work, and otherwise govern the licensee.

[Source: Added at 19 Ok Reg 732, eff 1-22-02 (emergency); Added at 19 Ok Reg 1276, eff 5-28-02]

158:50-1-2. Definitions

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

"Act" means Mechanical Licensing Act as found at 59 O.S. § 1850.1, *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.*

"Applicant" means any person applying for an examination, for a license or registration, for continuing education approval, for review of plans and specifications or for a mechanical code variance from the standard of installation described in OAC 158:50-1-4 by the Construction Industries Board under the Act.

"Associated with and responsible for" means the relationship between a mechanical contractor and mechanical firm based on the mechanical contractor being a permanent employee, owner, partner, or officer in a corporate firm, and whereby the mechanical contractor shall give full time to the supervision and control of operations necessary to secure full compliance with the provisions of the Mechanical Licensing 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.

"Chemical plant" means a chemical plant within the context of 59 O.S. §1850.10(D) including a fertilizer plant engaged in formulating chemicals ultimately used generally in the agricultural fertilizer industry.

"Committee" means the Committee of Mechanical Examiners.

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

"Credit Hour" or **"Hour"** means at least 50 minutes of classroom instruction with a 10 minute break.

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

"Gas piping" means and includes all natural gas piping within or adjacent to any building, structure, or conveyance, on the premises up to the connection with a natural gas meter, regulator, or other source of supply.

"Ground source piping" means piping buried below the earth's surface or submerged in a water well, lake or pond and used in conjunction with a heat pump to provide heating, ventilation and/or air conditioning to a structure.

"Health care facility" includes but is not limited to hospitals, nursing homes, limited care facilities, clinics, medical or dental offices, and ambulatory care centers, whether permanent or moveable.

"Hearing Board" means the Mechanical Hearing Board.

"Humidification" when applied to air conditioning, means and includes an increase or decrease in moisture content of the air being conditioned and supplied to the space for human occupancy by means of that integral part of the entire air conditioning system, equipment, and control devices; when applied to refrigeration, means and includes an increase or decrease in the moisture content of the air or product being conditioned for a food preservation measure or manufacturing process by means of the integral part of the entire refrigeration system, equipment, and control devices.

"HVAC" or **"heating, ventilation and air conditioning"** means the process of treating air by controlling its temperature, humidity, and cleanliness and of supplying such air to spaces for human occupancy by means of an integrated system of air conditioning and ventilation equipment, accessories and control devices.

"ICC" means the International Code Council.

"Limited residential journeyman" means a type and category of mechanical license that is restricted to new installations in new construction for detached one or two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with a separate means of egress as regulated by this Chapter.

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

"Mechanical work" means the installation, maintenance, repair, or renovation, in whole or in part, of any heating system, exhaust system, cooling system, mechanical refrigeration system, ventilation system, medical gas system, medical-surgical vacuum systems, or any equipment or piping carrying chilled water, air for ventilation purposes, or natural gas, or the installation, maintenance, repair, or renovation of process piping used to carry any liquid, substance, or material, including steam and hot water used for space heating purposes not under the jurisdiction of the Department of Labor or Department of Health, provided that minor repairs and maintenance are excluded.

"Medical gas piping work" means the lay out, assembly, installation, and maintenance of pipe systems used in health care facilities for oxygen, nitrous oxide, medical air, carbon dioxide, helium, nitrogen, instrument air, medical-surgical vacuum, waste anesthetic gas disposal, mixtures thereof, or any other gaseous, partly gaseous substance, material or any mixtures thereof used in a health care facility. Replacing cylinders and filters, and performing routine and preventive maintenance that does not breach the integrity of the medical gas piping system and does not constitute the installation, repair, or replacement of medical gas piping shall not require a medical gas piping licensee.

"Medical gas journeyman" means a type and category of mechanical license that is restricted to medical gas piping.

"Minor repairs and maintenance" means minor repairs or maintenance as each are prescribed in the manufacturer's operating instructions to be performed by the equipment owner or his authorized agent, and shall not include replacement and repairs of any nature on natural gas piping, natural gas controls, the manufacturer installed controls and components, the vent system of fuel burning appliances, a breach of the integrity of a refrigeration system or any repair or maintenance which would violate the safe operation of the equipment.

"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.

"Petroleum refinery" means an industrial plant which processes petroleum for purposes of creating products derived from petroleum and includes industrial plants which produce and/or refine alternative fuels or petroleum additives. "Petroleum refinery" shall not mean gas processing plant or gas gathering pipeline operations.

"Petroleum refinery journeyman" means a type and category of mechanical license that is restricted to petroleum refinery process piping.

"Petroleum refinery process piping work" means the lay out, assembly, installation, and maintenance of pipe systems used in the petroleum refining process or product refining systems of a petroleum refinery.

"Process" means a series of operations performed in the making or treatment of a product.

"Process piping" means lay out, assembly, installation, and maintenance of pipe systems, pipe supports, and related hydraulic and pneumatic equipment for steam, hot water, heating, cooling, lubricating and fire sprinklers, not subject to regulation pursuant to the Alarm Industry Act, and industrial production and processing systems, and piping used to carry any gaseous, or partly gaseous, substance or material as part of a medical gas piping system.

"Reciprocity" means an agreement whereby a person holding a mechanical 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.

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

"Variance" means the use of an alternative material or method of construction from that prescribed in the standard of installation as described in OAC 158:50-1-4 and/or other approved documents by the OUBCC for use at a particular location or project specified in the variance application; and

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

"Verifiable experience" means mechanical experience obtained while employed by a licensed Mechanical contractor, or by other means approved by the Committee of Mechanical Examiners including equivalent experience earned while serving in the U.S. Military, for which one (1) year of verifiable experience equals two thousand (2,000) hours.

[Source: Added at 19 Ok Reg 732, eff 1-22-02 (emergency); Added at 19 Ok Reg 1276, eff 5-28-02; Amended at 20 Ok Reg 2658, eff 7-26-03; Amended at 23 Ok Reg 1216, eff 5-25-06; Amended at 26 Ok Reg 388, eff 11-14-08 (emergency); Amended at 26 Ok Reg 2458, eff 7-11-09; Amended at 27 Ok Reg 2087, eff 7-11-10; Amended at 30 Ok Reg 1543, eff 7-11-13; Amended at 31 Ok Reg 920, eff 9-12-14; Amended at 32 OK Reg 1636, eff 9-11-15; Amended at 33 Ok Reg 582, eff 8-25-16; Amended at 34 Ok Reg 885, eff 10-1-17]

158:50-1-3. License requirement and exemptions

- (a) No person, on their own behalf or on behalf of a mechanical firm, shall engage or offer to engage in, by advertisement or otherwise, any mechanical work who does not possess a valid and appropriate license from the Construction Industries Board unless otherwise exempt by law or this Chapter. No State agency, a political subdivision of the State, business entity or trust shall act as a mechanical firm unless a licensed, active mechanical contractor is associated with and responsible for all mechanical work of such entity.
- (b) The terms air conditioning, sheet metal, and heating do not include the design, installation, construction, maintenance, service, repair, alteration, or modification of a portable or self contained ductless air conditioning or heating unit that has a cooling capacity of less than two and one-half (2 1/2) tons or a heating capacity of 36,000 British Thermal Units per Hour (Btu/h) or less.
- (c) No person shall install, replace or repair gas piping unless such person is licensed under the Mechanical Licensing Act or is licensed as a plumbing contractor or journeyman plumber pursuant to the laws of this State.
- (d) No person shall install, replace or repair floor furnaces or wall heaters unless such person is licensed under the Mechanical Licensing Act or is licensed as a plumbing contractor or journeyman plumber pursuant to the laws of this State.
- (e) No person shall install, replace or repair any radiant-floor heating systems unless such person is licensed under the Mechanical Licensing Act or is licensed as a plumbing contractor or journeyman plumber pursuant to the laws of this State.
- (f) No person shall install, replace or repair any medical gas or medical-surgical vacuum systems unless such person is licensed under the Mechanical Licensing Act as a medical gas journeyman, an unlimited mechanical contractor, process piping mechanical contractor, plumbing contractor or journeyman plumber pursuant to the laws of this State and shall provide proof of being certified by examination in accordance with the most current National Fire Protection Act ("NFPA") 99 standard or certified in the proper installation of medical gas piping by an organization approved by the Committee.
- (g) No person shall act as a foreman, supervisor or superintendent over any mechanical work on behalf of a mechanical contractor unless such person possesses a valid license as a mechanical contractor or journeyman from the Construction Industries Board.
- (h) 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 732, eff 1-22-02 (emergency); Added at 19 Ok Reg 1276, eff 5-28-02; Amended at 30 Ok Reg 1543, eff 7-11-13; Amended at 31 Ok Reg 920, eff 9-12-14; Amended at 32 OK Reg 1636, eff 9-11-15]

158:50-1-4. Standard of installation

The standards of installation are the provisions of the mechanical codes – the International Mechanical Code, the International Fuel Gas Code, the mechanical portion of the International Residential Code, and the medical gas system standards portion of the National Fire Protection Association ("NFPA" 99) as referenced in the International Plumbing Code, as revised and adopted by the OUBCC pursuant to the Oklahoma Uniform Building Code Commission Act.

[Source: Added at 19 Ok Reg 732, eff 1-22-02 (emergency); Added at 19 Ok Reg 1276, eff 5-28-02; Amended at 21 Ok Reg 497, eff 11-14-03 (emergency); Amended at 21 Ok Reg 768, eff 4-26-04; Amended at 23 Ok Reg 1216, eff 5-25-06; Amended at 26 Ok Reg 2461, eff 7-11-09; Amended at 30 Ok Reg 1543, eff 7-11-13; Amended at 32 OK Reg 1636, eff 9-11-15]

SUBCHAPTER 3. PROCEDURES OF THE COMMITTEE AND THE HEARING BOARD

158:50-3-1. Procedures of the Committee

The Committee shall serve the Board in an advisory capacity, assist and advise the Board on all matters pertaining to the formation of rules pursuant to the Act, and assist and advise the Administrator on the examination of applicants for licenses as a mechanical contractor or journeyman and on all matters related to the licensing of mechanical contractors and mechanical journeymen and the registering of mechanical apprentices, in accordance with this Chapter and the terms and conditions of the Act. The Committee shall make up a part of the Mechanical Hearing Board.

- (1) 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. Meetings of the Committee will comply with the Oklahoma Open Meeting Act.
- (2) The Committee shall work with the Construction Industries Board to provide for the administration, grading and processing of mechanical 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 mechanical matters.
- (3) Application for licensure shall be done by filling out an application for examination on a form provided by the Mechanical License Unit.
- (4) 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 31 Ok Reg 920, eff 0-12-14; Amended at 32 OK Reg 1636, eff 9-11-15]

158:50-3-2. 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 158:50-1-4, unless a city or county mechanical requirement is otherwise applicable as a matter of law.

[Source: Added at 31 Ok Reg 920, eff 0-12-14; Amended at 33 Ok Reg 582, eff 8-25-16]

SUBCHAPTER 5. LICENSE TYPES, LIMITATIONS OF LICENSES, CONTRACTOR SPECIAL REQUIREMENTS AND DISPLAY OF LICENSE NUMBER AND FIRM NAME

158:50-5-1. License types

- (a) Mechanical licenses shall be issued as journeyman, contractor or inactive contractor.
- (b) Licenses shall be issued for the following categories:

- (1) HVAC limited or unlimited
- (2) Natural Gas Piping
- (3) Process Piping
- (4) Refrigeration
- (5) Sheet Metal
- (6) Ground Source Piping
- (7) Limited Residential
- (8) Petroleum Refinery Process Piping (journeyman only)
- (9) Medical Gas (journeyman only)

[Source: Added at 19 Ok Reg 732, eff 1-22-02 (emergency); Added at 19 Ok Reg 1276, eff 5-28-02; Amended at 26 Ok Reg 388, eff 11-14-08 (emergency); Amended at 26 Ok Reg 2458, eff 7-11-09; Amended at 30 Ok Reg 1543, eff 7-11-13]

158:50-5-2. Limitations of licenses

(a) License duties.

- (1) Journeyman is a person who possesses the knowledge and skills to perform mechanical work within a category or categories without direct supervision.
- (2) Contractor is a person who possesses the knowledge and skills of a journeyman and who is responsible, either to the contractor or the contractor's employer, for planning, contracting, supervising, or furnishing labor and/or materials used for mechanical work. A mechanical contractor shall only be associated with and responsible for one mechanical firm. However, a mechanical contractor may be responsible for one firm with branch offices.
 - (A) Active contractor is one who is actively performing as a contractor and who has met the bond and insurance requirements for licensure.
 - (B) Inactive contractor is one who has met all the licensing requirements of a contractor, but has chosen not to currently perform as a contractor. An inactive contractor is not required to provide bond or insurance, and will be regulated as a journeyman.

(b) License categories.

- (1) A limited mechanical HVAC license entitles the licensee to install, alter, modify, service, maintain, or repair a ventilation (duct) system and/or:
 - (A) any cooling product, system, or equipment including the process piping, that has a cooling capacity of no more than twenty-five (25) tons, and/or
 - (B) all heating equipment including the process piping that have a heat input of no more than 500,000 Btu/h per appliance.
- (2) A limited residential journeyman license entitles the licensee to install complete new systems in new construction for detached one or two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with a separate means of egress. Installations shall include 5-ton or less cooling systems and 150,000 Btu/h or less heating systems and related accessories such as humidifiers, filtering systems, kitchen vent hoods, exhaust fans and clothes dryer vent exhausts for such dwellings. Such installations shall not include any fuel gas piping, welding, soldering, brazing or final connection of refrigerant lines or final connection of any electrical wiring permitted to be installed in accordance with Oklahoma statutes.
- (3) An unlimited mechanical HVAC license entitles the licensee to install, alter, modify, service, maintain, or repair a ventilation (duct) system and/or:

- (A) any cooling product, system, or equipment, including the process piping, and/or
 - (B) heating equipment, including the process piping.
- (4) A natural gas piping license entitles the licensee to install, alter, modify, service, maintain, or repair all natural gas piping.
- (5) A process piping license entitles the licensee to install, alter, modify, service, maintain, or repair all process piping.
- (6) A refrigeration license entitles the licensee to install, alter, modify, service, maintain, or repair refrigeration products, systems, or equipment, including the process piping.
- (7) A sheet metal license entitles the licensee to install, alter, modify, service, maintain, or repair all ferrous and nonferrous duct systems.
- (8) A ground source piping license entitles the licensee to install, alter, modify, service, maintain or repair all piping outside a structure for a ground source (earth or water) loop pipe.
- (9) A petroleum refinery journeyman license entitles the licensee to install, alter, modify, service, maintain, or repair all petroleum refinery process piping, and said license is limited to petroleum refinery process piping work only. A petroleum refinery journeyman shall be under the direction and supervision of a licensed unlimited mechanical contractor or a licensed process piping mechanical contractor.
- (10) A medical gas journeyman license entitles the licensee to install, alter, modify, service, maintain, or repair medical gas or medical-surgical vacuum systems, or equipment, including the piping. A medical gas journeyman shall be under the direction and supervision of a licensed unlimited mechanical contractor or a licensed process piping mechanical contractor.

[Source: Added at 19 Ok Reg 732, eff 1-22-02 (emergency); Added at 19 Ok Reg 1276, eff 5-28-02; Amended at 26 Ok Reg 388, eff 11-14-08 (emergency); Amended at 26 Ok Reg 2458, eff 7-11-09; Amended at 30 Ok Reg 1543, eff 7-11-13; Amended at 31 Ok Reg 920, eff 9-12-14]

158:50-5-3. Bond and insurance requirements

(a) Bond.

- (1) A corporate surety bond, (the "bond") in the sum of five thousand dollars (\$5,000.00) payable to the Oklahoma Construction Industries Board and approved by the Administrator shall be permanently deposited with the Bonds and Insurance Unit prior to the issuance of the mechanical contractor's license.
- (2) Said bond shall be executed by the applicant for the contractor's license and by a surety authorized to do business in the State of Oklahoma, and shall be a continuous bond with a thirty (30) day cancellation notice to the Board.
- (3) Said bond shall be in lieu of filing a bond with each municipality where the contractor works and shall be conditioned upon all of the following terms:
- (A) The mechanical contractor, his or her agents and employees shall faithfully and properly conduct business in compliance with all the applicable provisions of ordinances and provisions of the municipality in which he is performing mechanical work;
 - (B) The mechanical contractor shall pay all fines and penalties imposed by courts of competent jurisdiction for the violation of said ordinances or provisions. The Board may seek payment through the surety bond of any fines or penalties, which the licensee fails to pay.

(C) The mechanical contractor shall protect, save harmless and indemnify the municipality and the State against any liability imposed by law against said municipality or State for the negligence of said contractor, his or her agents or employees, which arises from any act or omission of said individuals engaged in work pursuant to the Mechanical Licensing Act;

(D) Any person aggrieved may bring an action upon the bond for the recovery of the penalty thereof to the same extent and with equal rights as though such aggrieved person had been named as the obligee in the bond.

(b) **Insurance.** A mechanical contractor shall provide proof of financial responsibility by providing a certificate of insurance, which indicates a minimum general liability policy of \$50,000.

(c) **Exceptions.** The bond and insurance requirement will be waived if:

(1) The mechanical contractor wishes to be inactive. A contractor may choose to place his or her license on inactive status and may practice as a journeyman but shall not practice as an active contractor. The inactive contractor can obtain an active license at any time if his or her license is valid and the bond and insurance requirements are met; or

(2) The mechanical 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 mechanical 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 732, eff 1-22-02 (emergency); Added at 19 Ok Reg 1276, eff 5-28-02; Amended at 21 Ok Reg 768, eff 4-26-04; Amended at 22 Ok Reg 1061, eff 5-26-05; Amended at 25 Ok Reg 1863, eff 6-26-08; Amended at 31 Ok Reg 920, eff 9-12-14; Amended at 32 OK Reg 1636, eff 9-11-15]

158:50-5-4. Display of license number and firm name

(a) Each person issued a contractor license shall display the mechanical firm name and the contractor license number bearing the initials "OK" preceding that license number issued by the Administrator on all vehicles used to transport materials and tools in the operation of the business. Such names and numbers shall be printed in letters and numerals at least two (2) inches in height in a conspicuous location on both sides of each vehicle in contrasting color to the background color.

(b) The pocket license issued by the Administrator shall be on the mechanical person while on the job.

(c) The Mechanical 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.

[Source: Added at 19 Ok Reg 732, eff 1-22-02 (emergency); Added at 19 Ok Reg 1276, eff 5-28-02; Amended at 20 Ok Reg 2658, eff 7-26-03; Amended at 24 Ok Reg 2872, eff 8-25-07]

**SUBCHAPTER 9. QUALIFICATIONS FOR MECHANICAL LICENSURE, LICENSE
AND REGISTRATION FEES, DURATION OF LICENSE, MECHANICAL LICENSE
APPLICATION, AND APPRENTICE REGISTRATION**

158:50-9-1. Qualifications for mechanical licensure

(a) **Application.** A person desiring to be licensed under this Chapter shall file an application with the application fee, examination fee (unless the examination fee is paid directly to a testing provider), and the initial License fee to the Administrator. The fees must be received no less than three (3) working days before the examination date. If the applicant fails to meet the minimum qualifications to take the examination, the application fee will be forfeited.

(b) **Experience.** All persons applying for a license must provide proof of experience in the mechanical trade. Applicants for mechanical license examinations who are not licensed and wish to include experience gained in Oklahoma must maintain an apprentice registration on file with the Oklahoma Construction Industries Board for all experience obtained in Oklahoma. The Construction Industries Board will not consider experience obtained in or outside of Oklahoma as verifiable experience for periods in which an apprentice is unregistered, except for experience lawfully obtained according to any applicable federal or state laws, and must be comprised of mechanical work as defined under the Act and in this Chapter.

(1) Applicants for a journeyman license must be at least eighteen (18) years of age and have:

(A) three (3) years of verifiable experience in the mechanical trade in the category for which he or she is applying, or

(B) an associate's degree or vocational diploma certifying completion of an educational program consisting of one thousand (1,000) hours or more from a school, approved by the Committee, which exhibits knowledge of the trade in the category of license applied for and one (1) year of verifiable experience in the mechanical trade, or

(C) a vocational diploma certifying completion of an educational program consisting of five hundred (500) or more hours from a school, approved by the Committee, which exhibits knowledge of the trade in the category of license applied for, and two (2) years of verifiable experience in the mechanical trade, or

(D) a vocational diploma certifying completion of an educational program consisting of a minimum of three hundred and seventy five (375) or more hours from a school, approved by the Committee, which exhibits knowledge of the trade and in the category of license applied for, and two and one-fourth (2 1/4) years of verifiable experience in the mechanical trade, or

(E) a vocational diploma certifying completion of an educational program consisting of a minimum of three hundred and thirty four (334) or more hours from a school, approved by the Committee, which exhibits knowledge of the trade and in the category of license applied for, and two and one-third (2 1/3) years of verifiable experience in the mechanical trade, or

(F) a vocational diploma certifying completion of an educational program consisting of a minimum of two hundred and fifty (250) or more hours from a school, approved by the Committee, which exhibits knowledge of the trade and in the category of license applied for, and two and one-half (2 1/2) years of verifiable experience in the mechanical trade, or

(G) equivalent, verifiable experience in the mechanical trade while serving in the U.S. military, or

(H) experience sufficient to obtain the special certification required for the mechanical category sought by the tendered application, such as Ground Source Piping and Medical Gas, or

(I) a verifiable out-of-state license in the mechanical classification for which the applicant is applying. The license must:

(i) be current,

(ii) be in good standing, and

(iii) meet qualifications listed in (A) through (E) above.

(2) Applicants for a contractor license must meet the same requirements as a journeyman with an additional one (1) year of experience.

(c) **Examination.** A license cannot be issued until the applicant has passed the appropriate examination for the license type and category. Examinations and the passing score for each examination shall be approved by the Committee. Applicants for the Ground Source Piping category shall provide proof of being certified by examination in the proper installation of ground source piping by an organization approved by the Committee. Applicants for the Petroleum Refinery journeyman category shall provide proof of being certified by examination in the area of industrial pipefitter by an organization approved by the Committee. Applicants for the Medical Gas category shall provide proof of being certified by examination in accordance with the most current NFPA 99 standard or certified in the proper installation of medical gas piping by an organization approved by the Committee.

(1) If the applicant does not pass the exam, the applicant may reapply for the exam and pay an additional retesting fee. However, no person will be allowed to retake an exam within thirty (30) days of the first failed exam or within ninety (90) days of the second or subsequent failed exam.

(2) 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.

(3) If an applicant for a contractor license passes only the trade portion of the contractor exam, the applicant may choose to apply the passing score of the trade portion of the contractor exam to a journeyman license application within the same license category as the trade portion of the contractor exam that the applicant passed. 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 (c)(2) of this Section is applicable even if a journeyman license is obtained under this subsection.

(4) 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.

(5) 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.

(6) 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.

(7) No person shall be allowed any assistance in reading the contractor's examination, nor shall any persons other than the examinees or the Committee members be allowed in the examination area. However, an applicant may request that the Committee make reasonable accommodations for any disability.

(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.

[Source: Added at 19 Ok Reg 732, eff 1-22-02 (emergency); Added at 19 Ok Reg 1276, eff 5-28-02; Amended at 20 Ok Reg 2658, eff 7-26-03; Amended at 23 Ok Reg 1149, eff 3-29-07 through 7-14-07 (emergency); Amended at 24 Ok Reg 2872, eff 8-25-07; Amended at 27 Ok Reg 2087, eff 7-11-10; Amended at 30 Ok Reg 1543, eff 7-11-13] ; Amended at 31 Ok Reg 920, eff 9-12-14; Amended at 32 OK Reg 1636, eff 9-11-15; Amended at 33 Ok Reg 582, eff 8-25-16; Amended at 34 Ok Reg 885, eff 10-1-17]

EDITOR'S NOTE: 'This emergency action expired before being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last effective permanent text is reinstated. Therefore, on 7-15-07 (after the 7-14-07 expiration of the emergency action), the text of 158:50-9-1 reverted back to the permanent text that became effective 7-26-03, as was last published in the 2006 Edition, and remained as such until amended again by permanent action on 8-25-07.

158:50-9-1.1. 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 1636, eff 9-11-15]

158:50-9-1.2. 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 1636, eff 9-11-15]

158:50-9-1.3. 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 1636, eff 9-11-15]

158:50-9-2. 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 158:50-9-1 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 sitting 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 pursuant to 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, 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 late fee - \$100.00
- (5) journeyman application - \$25.00
- (6) initial journeyman license - \$50.00
- (7) renewal journeyman license - \$75.00
- (8) renewal journeyman late fee - \$25.00
- (9) apprentice application - \$5.00
- (10) apprentice registration - \$20.00

[Source: Added at 19 Ok Reg 732, eff 1-22-02 (emergency); Added at 19 Ok Reg 1276, eff 5-28-02; Amended at 20 Ok Reg 223, eff 10-22-02 through 7-14-03 (emergency); Amended at 20 Ok Reg 2658, eff 7-26-03; Amended at 21 Ok Reg 497, eff 11-14-03 (emergency); Amended at 21 Ok Reg 768, eff 4-26-04; Amended at 26 Ok Reg 2461, eff 7-11-09; Amended at 27 Ok Reg 2087, eff 7-11-10; Amended at 30 Ok Reg 1543, eff 7-11-13; Amended at 31 Ok Reg 920, eff 9-12-14; Amended at 32 OK Reg 1636, eff 9-11-15]

158:50-9-3. Duration of licenses

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

(b) Any license issued may be renewed by submitting the renewal application and the license fee for the next year by check or money order which must be delivered or mailed on or before the birth month expiration date.

(c) A license renewed under the provision of (b) of this Section is effective when notice of such renewal is issued by the Construction Industries Board.

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

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

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

[Source: Added at 19 Ok Reg 732, eff 1-22-02 (emergency); Added at 19 Ok Reg 1276, eff 5-28-02; Amended at 20 Ok Reg 2658, eff 7-26-03; Amended at 21 Ok Reg 497, eff 11-14-03 (emergency); Amended at 21 Ok Reg 768, eff 4-26-04; Amended at 27 Ok Reg 2087, eff 7-11-10; Amended at 30 Ok Reg 1543, eff 7-11-13; Amended at 31 Ok Reg 920, eff 9-12-14; Amended at 32 Ok Reg 1636, eff 9-11-15]

158:50-9-4. Mechanical license application [REVOKED]

[Source: Added at 19 Ok Reg 732, eff 1-22-02 (emergency); Added at 19 Ok Reg 1276, eff 5-28-02; Revoked at 27 Ok Reg 2087, eff 7-11-10]

158:50-9-5. Apprentice registration

(a) A person may register as a mechanical apprentice if the person does not meet the qualifications for licensure but wishes to learn or perform mechanical work. An individual licensed in any category shall be permitted to work as an apprentice in any category for which they are not licensed by complying with the requirements of this chapter for ratio and direct supervision.

(b) The apprentice will be registered for a one (1) year period if a completed application form with the application and registration fee listed in OAC 158:50-9-2(b)(10) is submitted to the Mechanical License Unit along with verification of enrollment in an approved school or training course or a statement of employment by the licensed mechanical contractor who arranged for employment of the apprentice.

(c) The apprentice must perform mechanical work in the same category as the licensed mechanical person who is supervising the apprentice.

(d) An apprentice who participates in activities inconsistent with the provisions of the Act and the rules of this Chapter shall be subject to the sanctions described in OAC 158:50-11-3.

(e) 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.

(f) Mechanical apprentices must be under the direct supervision of a licensed Mechanical contractor or journeyman when engaged in Mechanical work.

[Source: Added at 19 Ok Reg 732, eff 1-22-02 (emergency); Added at 19 Ok Reg 1276, eff 5-28-02; Amended at 20 Ok Reg 2658, eff 7-26-03; Amended at 24 Ok Reg 2872, eff 8-25-07; Amended at 31 Ok Reg 920, eff 9-12-14; Amended at 32 Ok Reg 1636, eff 9-11-15; Amended at 33 Ok Reg 582, eff 8-25-16]

158:50-9-6. Mechanical journeyman and contractor licenses by reciprocity

(a) **General procedures for application.** Any person holding a valid mechanical journeyman license or mechanical 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 Section 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 a mechanical journeyman license by reciprocity must pay the journeyman application fee and the initial journeyman license fee as set forth in OAC 158:50-9-2(b). If the person is applying for a mechanical contractor license, the person must pay the contractors application fee and the initial contractor license fee as set forth in OAC 158:50-9-2(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 other state regulates and issues licenses for mechanical trade categories in a manner that is substantially the same or equivalent to the State of Oklahoma;

(B) 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;

(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, whether examinations are given for specific mechanical trade categories, and whether the examination is in written form.

(2) That the other state will recognize licenses issued by the State of Oklahoma through the Construction Industries Board. Paragraphs (1) and (2) of this subsection may 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 in the applicable mechanical trade category.

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

(e) **Additional requirements for contractor applicants.** Applicants seeking a mechanical 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 Mechanical Contractor Business and Law portion of the full contractor examination and satisfaction of the requirements of OAC 158:50-5-3.

(f) **Additional requirements for ground source piping license applicants.** Applicants seeking a mechanical license by reciprocity in the ground source piping category must provide proof of being certified in the proper installation of ground source piping by an organization approved by the Committee.

[Source: Added at 21 Ok Reg 497, eff 11-14-03 (emergency); Added at 21 Ok Reg 768, eff 4-26-04; Amended at 32 Ok Reg 1636, eff 9-11-15; Amended at 34 Ok Reg 885, eff 10-1-17]

158:50-9-7. 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 licensed mechanical journeyman or contractor.

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

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

- (1) The program provider shall submit evidence that the provider and instructional staff are qualified by reason of education, experience or training. The training provider and instructors will be of good reputation and of good moral character.
- (2) Any written material that is distributed during the session shall be readable, of high quality and shall be made available to all attendees.
- (3) The program shall be presented in a comfortable location such as hotel/motel conference room, corporate meeting room, or regular classroom.
- (4) The training session shall be presented outside the regular workplace or after regular working hours. An onsite conference room, that meets standards imposed by (3) of this subsection, shall be considered outside the regular workplace.
- (5) A credit hour means at least fifty (50) minutes of classroom instruction with a ten (10) minute break.
- (6) CE courses shall be presented in one of the following formats.
 - (A) Six (6) credit hours presented in one (1) day.
 - (B) Two (2) sessions of three (3) credit hours each presented within a seven (7) day period.
 - (C) One (1) session of two (2) credit hours of trade related instruction, Mechanical Licensing Act and/or Mechanical Industry Regulations.
 - (D) An approved correspondence course.
 - (E) Another format approved by the Committee.
- (7) 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 continuing education program, the provider shall furnish the original sign-in sheets from the course to the Mechanical License Unit of the Construction Industries Board.
 - (D) Providers shall maintain copies of all sign-in sheets for a period of two (2) years following the conclusion of the course.
 - (E) Complaint Procedure.
 - (i) 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.
 - (ii) 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.
 - (iii) The Committee may consider an unsigned or anonymous complaint for further investigation.
 - (iv) 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.

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

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

(c) **Application Procedures.**

(1) A completed application form, with all supporting documentation, shall be submitted to the Construction Industries Board 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 scheduled start date. Supporting documents shall include the following:

(A) A resume or brief summary of qualifications of all course developers and instructors.

(B) A course agenda designating the beginning and ending of actual instruction times, sign-in times, breaks, lunches and evaluation time.

(C) A course curriculum indicating the subject or code areas to be taught with sufficient detail to determine which code revisions are to be addressed or the trade related instruction being provided.

(2) An application is to be submitted for each date, or dates, that constitute a single course.

(3) Each course must be included on a separate application.

(d) **Mechanical Examiners Committee Acceptance.**

(1) The Committee, or its designee, will review each application for completeness of form and supporting documentation, as well as course content.

(2) The approval of any course will be made by a majority vote of the Committee at a regularly scheduled meeting of the Mechanical Examiners Committee.

(3) The Committee's designee may approve additional dates and locations after the course has been approved by Committee vote. Substantive change to course content must be brought before the Committee.

(4) The applicant will be notified in writing whether the program is approved or disapproved, detailing the basis of the decision if disapproved.

(5) Approval is rescinded upon the adoption of a different statewide code and a new application showing updates of new code is necessary.

(e) **Committee Rejection and Reevaluation of a Course.**

(1) 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 topic approved.
 - (D) Inadequate experience of program developer or instructor.
 - (E) Unsatisfactory evaluation of the course instructor or materials from previous classes.
- (2) The Committee may, at any time, re-evaluate and grant or revoke approval of application or course.
- (A) The Committee may, at any time, review courses for quality of instruction. The Committee may also investigate complaints regarding approved courses. The Committee may then take appropriate action, up to and including revocation of authority to provide CE courses.
 - (B) 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 course work.
- (3) The Committee, or its designee, will notify the provider, in writing, of any changes in approval status.
- (f) **Appeals.**
- (1) Applicants denied approval of a course may appeal such a decision by submitting a written letter of appeal to the Committee within fifteen (15) days of the receipt of the notice.
 - (2) All appeals will be heard by the Committee at its next regularly scheduled meeting.
- (g) **Course Presentation.**
- (1) The program, including the named advertised participants, shall be conducted as approved, including lunch and breaks shown on the approved agenda, subject to emergency withdrawals and minor alterations.
 - (2) Changes including but not limited to location, date, instructors, or cancellations must be requested from the Committee, or its designee, in writing prior to start of class. All requests for change must include the course ID number.
- (h) **Course Advertisement.**
- (1) All advertising must include the course ID 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 Mechanical Examiners Committee for ____ hours of CE credit.
- (i) **Correspondence and Online Courses.**
- (1) Applications, approvals and rejections, and appeals of all correspondence and online courses shall be the same as for classroom-based courses.
 - (2) Correspondence courses shall be required to comply with all requirements of continuing education courses, except sign-in sheets.
 - (3) Providers of an on-line course shall submit verification of six (6) hours of real time on-line instruction.
 - (4) Course providers shall provide a student with a document of completion which certifies completion of approved correspondence course.
 - (5) Applications shall be resubmitted annually, from date of approval, for review and approval.

(j) Alternate Credit Accrual.

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

(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.

(k) Continuing Education Not Required for Petroleum Refinery Journeyman. Subsections (a) through (j) of this Section shall not apply to the license category of Petroleum Refinery Journeyman. The Petroleum Refinery Journeyman license may be renewed without continuing education.

(l) Continuing Education Not Required for Ground Source Piping. Subsections (a) through (j) of this Section shall not apply to the license category of Ground Source Piping. The Ground Source Piping category license may be renewed without continuing education provided that a current approved certification is submitted.

(m) Continuing Education Not Required for Medical Gas. Subsections (a) through (j) of this Section shall not apply to the license category of Medical Gas. The Medical Gas category may be renewed without continuing education provided that a current approved certification is submitted.

[Source: Added at 21 Ok Reg 768, eff 4-26-04; Amended at 25 Ok Reg 1863, eff 6-26-08; Amended at 27 Ok Reg 2087, eff 7-11-10; Amended at 30 Ok Reg 1543, eff 7-11-13; Amended at 31 Ok Reg 920, eff 9-12-14; Amended at 32 Ok Reg 1636, eff 9-11-15; Amended at 33 Ok Reg 582, eff 8-25-16; Amended at 34 Ok Reg 885, eff 10-1-17]

SUBCHAPTER 11. LICENSE REVOCATION OR SUSPENSION AND PROHIBITED ACTS

158:50-11-1. License retention requirements

All mechanical work performed by the licensee shall be minimally in accordance with the standards of installation as described in OAC 158:50-1-4. An exception shall be made only if the plans calling for other than the standards of installation described in OAC 158:50-1-4 have been approved by the Office of State Fire Marshal.

[Source: Added at 19 Ok Reg 732, eff 1-22-02 (emergency); Added at 19 Ok Reg 1276, eff 5-28-02; Amended at 23 Ok Reg 1216, eff 5-25-06; Amended at 31 Ok Reg 920, eff 9-12-14; Amended at 32 Ok Reg 1636, eff 9-11-15]

158:50-11-2. Prohibited acts

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

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

(2) No licensee shall perform mechanical work in a category under which he or she is not licensed or work outside of the confinements of the required Medical Gas certification.

(3) No licensee shall perform work contrary to any provision of the standards of installation as described in OAC 158:50-1-4, except as otherwise provided by law or rule. Each violation of the standards of installation in OAC 158:50-1-4 can be treated as a separate violation of this Chapter.

- (4) No person shall offer to engage in mechanical work during the period his or her license is suspended or revoked.
 - (5) No employing mechanical firm shall employ or use an unlicensed or unregistered individual or entity to perform mechanical work.
 - (6) No person, entity, or firm may transfer a license or registration.
 - (7) 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.
 - (8) No person shall make a materially false or fraudulent statement in an application for license.
 - (9) No person may alter a license.
 - (10) No licensee shall fail to notify the Administrator of a change in his or her address.
 - (11) No licensee shall perform mechanical work without keeping their license and any required certification on their person or in close proximity while performing mechanical work.
 - (12) No person may engage in cheating or any act involving the fraudulent misrepresentation of an applicant by an examinee.
 - (13) 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 employ or supervise persons performing mechanical work unless those persons are licensed or registered to perform that category of work.
 - (2) No licensee shall allow any apprentice to perform mechanical work at the contractor's job site unless the apprentice will have direct supervision by a person licensed to perform in that category of mechanical work.
 - (3) No licensee shall allow more than three (3) apprentices per journeyman at a job site.
 - (4) No licensee shall fail to maintain a bond as provided for in OAC 158:50-5-3.
 - (5) No licensee shall fail to provide proof of financial responsibility to the Administrator as provided for in OAC 158:50-5-3(b).
 - (6) No licensee shall be associated with and responsible for more than one mechanical firm.
- (c) The following prohibited acts apply to persons issued a journeyman license:
- (1) No licensee shall allow an apprentice under his or her direct supervision to perform mechanical work for which the journeyman is not licensed to perform.
 - (2) No licensee shall perform mechanical work except under the employment or supervision of a Mechanical Contractor.
 - (3) No licensee shall engage in the planning, contracting, or furnishing of labor and/or materials used for mechanical work.

[Source: Added at 19 Ok Reg 732, eff 1-22-02 (emergency); Added at 19 Ok Reg 1276, eff 5-28-02; Amended at 20 Ok Reg 2658, eff 7-26-03; Amended at 21 Ok Reg 497, eff 11-14-03 (emergency); Amended at 21 Ok Reg 768, eff 4-26-04; Amended at 30 Ok Reg 1543, eff 7-11-13; Amended at 31 Ok Reg 920, eff 9-12-14; Amended at 32 Ok Reg 1636, eff 9-11-15]

158:50-11-3. License revocation or suspension

- (a) The employment and use of unlicensed individuals performing mechanical work, the employment and use of individuals as apprentices without registration, or cheating may be

considered justification to suspend or revoke said mechanical 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 732, eff 1-22-02 (emergency); Added at 19 Ok Reg 1276, eff 5-28-02; Amended at 20 Ok Reg 2658, eff 7-26-03; Amended at 32 Ok Reg 1636, eff 9-11-15; Amended at 33 Ok Reg 582, eff 8-25-16]

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

158:50-13-1. Plan review applications and 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 the 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 158:50-1-4. Applications shall only be reviewed by the Administrator if submitted prior to the bid dates for the project. Plan review shall be completed within (14) fourteen days of the receipt of a complete application.

(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) mechanical plans and specifications shall be \$75.00;
- (2) mechanical and plumbing or electrical plans and specifications shall be \$150.00;
- (3) mechanical, plumbing, and electrical 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 732, eff 1-22-02 (emergency); Added at 19 Ok Reg 1276, eff 5-28-02; Amended at 31 Ok Reg 920, eff 9-12-14; Amended at 32 Ok Reg 1636, eff 9-11-15]

158:50-13-2. 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 standard of installation as described in OAC 158:50-1-4 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 732, eff 1-22-02 (emergency); Added at 19 Ok Reg 1276, eff 5-28-02; Amended at 23 Ok Reg 1216, eff 5-25-06; Amended at 27 Ok Reg 2087, eff 7-11-10; Amended at 31 Ok Reg 920, eff 9-12-14]

158:50-13-3. Code variance applications and fee

(a) Applications for a variance from the standard of installation as described in OAC 158:50-1-4 by an Oklahoma-licensed, mechanical contractor, or other person as stated in the Act, shall be submitted to the Administrator. An application form 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 158:50-1-4, or submitted where a city or town has adopted a more stringent mechanical 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 Administrator's or the Administrator's designee's 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 732, eff 1-22-02 (emergency); Added at 19 Ok Reg 1276, eff 5-28-02; Amended at 23 Ok Reg 1216, eff 5-25-06; Amended at 31 Ok Reg 920, eff 9-12-14; Amended at 33 Ok Reg 582, eff 8-25-16]

158:50-13-4. Code interpretation appeals

A mechanical contractor, or any party who has an ownership interest in or who is in responsible charge of the design of or work on the mechanical installation, may appeal the Administrator's interpretation of the standard of installation as described in OAC 158:50-1-4 as applied during the Administrator's review of mechanical plans and specifications or inspection of a mechanical installation to the Variance and Appeals Board created pursuant to 59 O.S. § 1850.16. Such appeals shall be made in writing to the Administrator within fourteen (14) days after the Administrator's code interpretation or receipt of written notice of the alleged code violation by the licensed mechanical 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 732, eff 1-22-02 (emergency); Added at 19 Ok Reg 1276, eff 5-28-02; Amended at 23 Ok Reg 1216, eff 5-25-06; Amended at 31 Ok Reg 920, eff 9-12-14]