

RULE IMPACT STATEMENT

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

1. **BRIEF DESCRIPTION OF PURPOSE OF PROPOSED RULE:** The proposed amendment to 158:40-1-2 is to clean up definitions and provide the public better clarity. The proposed amendments to 158:40-5-1 are due to statutory changes and to clarify how documentation of apprenticeships should be obtained and maintained for future license applications. The proposed amendments to 158:40-5-2 are to clarify how documentation of journeyman should be obtained and maintained for future license applications and for cleanup purposes. The proposed amendments to 158:40-5-3 are for clarification related to contractor requirements. The proposed amendment to 158:40-7-2 is for clarification related to residential electrical work. The addition of 158:40-9-2.4 is to provide exam equivalency for a journeyman or contractor seeking Oklahoma licensure from a state or local jurisdiction that does not have a reciprocity agreement. The proposed amendment to 158:40-9-4 is to add an additional method of alternate continuing education credit accrual. The proposed amendment to 158:40-11-2 is due to statutory change.
2. **DESCRIPTION OF THE CLASSES OF PERSONS AFFECTED:** The agency, members of industry and the public who are involved in or wish to be involved in the electrical industry/trade licensed and regulated by the Construction Industries Board ("CIB"), continuing education providers, and citizens of Oklahoma.
3. **CLASSES OF PERSONS BENEFITTED:** The agency, members of industry and the public who are involved in or wish to be involved in the electrical industry/trade licensed and regulated by the Construction Industries Board ("CIB"), continuing education providers, and citizens of Oklahoma.
4. **ECONOMIC IMPACT UPON AFFECTED CLASSES OF PERSONS:** Having clear and unambiguous rules should have a positive economic impact in that it should help to keep an individual from unknowingly committing a violation that could result in a fine or penalty.
5. **COSTS AND BENEFITS TO THE AGENCY:** The proposed amendments create no new cost to the agency. The benefit is to have clear, unambiguous rules in place to assist those impacted by the rules.
6. **ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** No fees are established or changed by the proposed rules. No economic impact on any political subdivision is anticipated by the proposed rules.
7. **ECONOMIC IMPACT ON SMALL BUSINESS:** Any economic impact on small business is not measurable.
8. **MEASURES TAKEN TO MINIMIZE COMPLIANCE COSTS:** The proposed rule changes are the least costly or least intrusive method of achieving the purpose of the

proposed rules. There are no non-regulatory methods for achieving the purpose of the proposed rule changes.

9. **EFFECT OF THE PROPOSED RULE ON PUBLIC HEALTH:** Licensing helps to protect the health, safety and welfare of the public. Having clear and unambiguous rules regarding licensing requirements should have a positive effect on public health.
10. **DETRIMENTS TO PUBLIC HEALTH IF THE RULE IS NOT ADOPTED:** There are no known detriments to public health if the rule is not adopted.
11. **DATE IMPACT STATEMENT PREPARED:** December 19, 2018.

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

SUBCHAPTER 1. GENERAL PROVISIONS

158:40-1-2. Definitions

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

"Act" means the Electrical License Act as found at 59 O.S. § 1680, *et seq.*

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

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

"Applicant" means any person applying for an examination, for a license or registration, for continuing education approval, for review of plans and specifications, or for an electrical code variance from the standard of installation as described in OAC 158:40-1-4 by the Board under the Act.

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

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

"Board" means the Oklahoma Construction Industries Board.

"Bonds and Insurance Unit" means the consolidated unit that processes bonds and insurance under the direction of the Construction Industries Board.

"Cheating" means any unapproved deviation from any official instruction given before, during or after a license examination, for the purpose of affecting or influencing the examination results or otherwise providing an undue advantage to any examinee.

"Committee" means the Committee of Electrical Examiners.

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

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

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

"Direct supervision" means the on-the-job physical presence by the supervisor who must be in the work area where the electrical work is being performed and who also must be a licensed electrical contractor or electrical journeyman in the appropriate category for any electrical work supervised.

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"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 utility 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.~~ does not have current bond and insurance to be able to be contracting for electrical work pursuant to the act. An inactive contractor works as a journeyman electrician.

"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

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Oklahoma Construction Industries Board as a journeyman electrician and is limited to electrical construction per the equivalent temporary journeyman classification determined by the Board.

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

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

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

158:40-5-1. 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)~~three (3) 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~~three 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.

(1) The apprentice will be registered for a one (1) year period if a completed application form with the apprentice application and registration fee listed in OAC 158:40-9-3(b) is submitted to the Electrical License Unit along with verification of enrollment in an approved school or training course or a statement of employment by the licensed electrical contractor who arranged for employment of the apprentice.

(2) When re-registering, the application fee is only required with the registration fee when the registration application is not filed within thirty (30) days of expiration of previous registration.

(e) Since evidence of hours worked and type of hours worked would be required if an Apprentice makes an application for licensure anytime in the future, each Apprentice is responsible for obtaining and maintaining documentation of hours and type of hours worked (commercial, industrial, and residential) under a particular contractor when employed or upon separation of employment.

~~(e)~~(f) Prior to engaging in any activity described in ~~(f)~~(g) 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

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misdemeanor; and,

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

~~(f)~~(g) A registered apprentice electrician shall not 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)~~(i) or (j) of this Section.

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

~~(h)~~(i) "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)~~(j) 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;

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(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)~~(k) An individual who has been convicted of a disqualifying crime as set forth in ~~(h)~~(i) or (j) 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.*

(l) Work performed under alarm endorsement shall continue to meet the ratio requirement as set forth in OAC 158:40-5-1 (b) and (c).

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) Since evidence of hours worked and type of work would be required if a Journeyman makes application for licensure anytime in the future, each Journeyman is responsible for obtaining and maintaining documentation of hours and type of hours worked (commercial, industrial, and residential) under a particular contractor when employed or upon separation of employment.

~~(e)~~(d) Prior to engaging in any activity described in ~~(d)~~(e) 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)~~(e) A licensed journeyman electrician shall not sell, install, service, or repair alarm or

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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)~~(g) or (h) of this Section.

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

~~(f)~~(g) "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)~~(h) 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

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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)~~(i) An individual who has been convicted of a disqualifying crime as set forth in ~~(f)~~(g) or (h) 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.*

(j) Work performed under alarm endorsement shall continue to meet the ratio requirement as set forth in OAC 158:40-5-1 (b) and (c).

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~~ may be placed 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 position, 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;

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- (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. In order for an apprentice or journeyman to make future licensure application, this documentation should be made available upon request to any current employee or departing employee at the time of separation of employment.
- (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) or (l) 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) or (l) 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;

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- (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) or (l) 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.*
- (n) Work performed under alarm endorsement shall continue to meet the ratio requirement as set forth in OAC 158:40-5-1 (b) and (c).

SUBCHAPTER 7. LICENSE CLASSIFICATIONS

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~~ one and two family dwelling units in a singularly constructed structure with a maximum of two dwelling units and having a minimum of five feet separation of construction to any other dwelling unit or structure regardless and independent of fire walls, such as a single independent residential home or duplex, and does not include occupancies with more than two dwelling units such as apartments, motels, and multi-family townhomes.
- (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.

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

158:40-9-2.4. Exam equivalency

- (a) An electrical journeyman or contractor from a state without an Oklahoma reciprocal agreement or statewide licensing who is seeking Oklahoma licensure may be eligible for exam equivalency in the category of the home state license or local jurisdiction license. If exam equivalency is approved by the Board, an applicant for a journeyman license will not be required to take the Oklahoma journeyman license exam and the applicant for a contractor license will not be required to take the technical trade section of the Oklahoma contractor license exam. The applicant for the contractor exam will still be required to take and pass the Oklahoma business law section of the contractor exam and all applicants will need to meet all other licensure requirements under Oklahoma law.
- (b) Prior to an individual applying for exam equivalency, the Board must have previously approved the jurisdiction's exam for equivalency. An exam will be reviewed by the Committee and recommended to the Board if the exam is deemed to be substantially similar. Upon approval of exam equivalency by the Board, the individual applicant must:
- (1) Complete the application form.
 - (2) Provide a certified letter from the current jurisdiction in which he or she is license through examination stating:
 - (A) he or she is currently licensed and in good standing,

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- (B) the category name of the license,
- (C) he or she passed the licensing exam with a 70% or higher, and
- (D) no disciplinary actions are pending.
- (3) Meet all other requirements under Oklahoma law of licensure.

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.

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- (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

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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

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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.

(3) Credit may also be earned through participating as a designee of a technical committee appointed by OUBCC to review and recommend adoption of building codes. The Committee may award up to six (6) hours of continuing education for completing a code review as designee in the code listed as the standard for the license help and upon completion of the code review receiving a certificate of completion from the OUBCC. A copy of the certificate will be required to be provided to CIB to receive continuing education credits.

(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.

SUBCHAPTER 11. LICENSE REVOCATION OR SUSPENSION AND PROHIBITED ACTS

158:40-11-2. Prohibited acts

- (a) The following acts are prohibited:
- (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~~ three (3) 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.

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

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

158:40-1-2 [AMENDED]

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

158:40-5-1 [AMENDED]

158:40-5-2 [AMENDED]

158:40-5-3 [AMENDED]

Subchapter 7. License Classifications

158:40-7-2 [AMENDED]

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

158:40-9-2.4 [NEW]

158:40-9-4 [AMENDED]

Subchapter 11. License Revocation or Suspension and Prohibited Acts

158:40-11-2 [AMENDED]

SUMMARY:

The proposed amendment to 158:40-1-2 is to clean up definitions and provide the public better clarity. The proposed amendments to 158:40-5-1 are due to statutory changes and to clarify how documentation of apprenticeships should be obtained and maintained for future license applications. The proposed amendments to 158:40-5-2 are to clarify how documentation of journeyman should be obtained and maintained for future license applications and for cleanup purposes. The proposed amendments to 158:40-5-3 are for clarification related to contractor requirements. The proposed amendment to 158:40-7-2 is for clarification related to residential electrical work. The addition of 158:40-9-2.4 is to provide exam equivalency for a journeyman or contractor seeking Oklahoma licensure from a state or local jurisdiction that does not have a reciprocity agreement. The proposed amendment to 158:40-9-4 is to add an additional method of alternate continuing education credit accrual. The proposed amendment to 158:40-11-2 is due to statutory change.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 16, 2019, at the following address: Construction Industries Board, ATTN: Administrative Rules Division, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

PUBLIC HEARING:

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 23, 2019, at the monthly meeting of the Construction Industries Board which will be held in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m. See "Additional Information" section below.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the

proposed rules. Business entities may submit this information in writing to the Administrative Rules Division through the close of the comment period on January 16, 2019, at the address shown below for obtaining copies of the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available at the Construction Industries Board, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107, or online at www.cib.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 28, 2018, at the address listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Stephanie Brown, Board Secretary/Executive Assistant, 405-521-6550

ADDITIONAL INFORMATION:

If the monthly meeting of the Construction Industries Board scheduled for Wednesday, January 23, 2019, cannot be held due to inclement weather or lack of a quorum, the Public Hearing that would have occurred January 23, 2019, at that monthly meeting of the Construction Industries Board will be held instead at the monthly meeting scheduled for Wednesday, February 13, 2019, at 1:30 p.m., in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m.