

## RULE IMPACT STATEMENT

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

1. **BRIEF DESCRIPTION OF PURPOSE OF PROPOSED RULE:** The purpose of the proposed amendments to 158:50-1-2 is to clarify that a contractor or journeyman providing direct supervision must be licensed in the category for which he or she is providing supervision, to add definitions for the new categories of "endorsed apprentice" and "limited residential installer," and to reduce the restrictions for work to be performed by a limited residential journeyman. The purpose of the proposed amendment to 158:50-1-3 is to clarify that the section applies to registered apprentices as well as to licensed journeymen and contractors. The purpose of the proposed amendments to 158:50-5-1 is to add limited residential installer as a license category and to clarify that a limited residential license can only be issued at the journeyman level. The purpose of the proposed amendments to 158:50-5-2 is to clarify mechanical services that can be provided with a limited and unlimited mechanical HVAC license, to reduce restrictions for work to be performed by a limited residential journeyman, and to set out the limitations for the proposed new license category of limited residential installer allowing one to obtain the installer category in a shorter period of time than the more encompassing limited residential journeyman license. The purpose of the proposed amendments to 158:50-5-3 is to require that mechanical contractors add the Construction Industries Board ("CIB") to the certificate of liability insurance as a certificate holder, not as an additional insured and with no additional cost, to ensure that the CIB is notified if the liability policy is cancelled or expires for non-payment of premiums. The purpose of the proposed amendments to 158:50-9-1 is to clarify the experience requirement for a journeyman and contractor license; to clarify education that may be substituted for a portion of the experience requirement; and to identify documentation required to demonstrate completion of education that may be substituted for experience. The purpose of the proposed amendments to 158:50-9-5 is to correct a citation; to clarify an application fee is not required for a timely filed apprentice re-registration; to clarify the requirement for direct supervision of apprentices; and to encourage successful examination by setting requirements to allow a registered apprentice to apply to sit for the journeyman examination immediately after completing a two (2) year education program without first having to complete the additional year of experience requirement, then upon passing the examination becoming a registered "endorsed apprentice" working as an apprentice, and upon completing the experience requirement, obtaining a journeyman license without further journeyman examination. The purpose of the proposed amendments to 158:50-11-2 is to clarify prohibited acts listed in (a) of the Section that apply to all individuals and those that apply to licensees and registrants. The purpose of the proposed amendments to 158:50-11-3 is to clarify that certain actions could be justification for suspending or revoking a licensee's license or an apprentice's registration.
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 mechanical 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 mechanical 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. The economic impact regarding the proposed amendments related to the proposed new category of "endorsed apprentice" is not measureable; however, it should be a positive economic impact on the registered apprentices and their licensed employers. Having the ability to take the journeyman examination prior to completing the experience requirement if the apprentice has completed the education requirements as set out in the proposed rules could help the apprentice avoid the cost for additional study material. A licensed contractor employing an "endorsed apprentice" would know that the "endorsed apprentice" has already completed a certain level of education related to the trade passed the examination requirement, and only needs to obtain one year of additional experience in order to become a licensed journeyman. The economic impact regarding the proposed amendments related to the proposed new category of "limited residential installer" is not measureable; however, it should be a positive economic impact on individuals initially who achieve licensing in this category and provides them a benchmark until they achieve a higher level as well as the licensed contractor under which they are employed. An individual would be able to obtain the limited residential installer category in a shorter period of time than the journeyman license. There is a positive economic impact on apprentices who re-register timely as they only have to submit the registration fee for the re-registration and not the application fee. There should be no additional cost to electrical contractors related to the requirement to add the CIB to the certificate of liability insurance as a certificate holder, not as an additional insured.
5. **COSTS AND BENEFITS TO THE AGENCY:** It is a benefit to the agency to have clear unambiguous rules. Allowing an apprentice who re-registers timely to not pay the application fee for the re-registration would have a negligible economic impact on the agency. In order to administer the requirements related to the proposed new categories of "endorsed apprentice" and "limited residential installer" the agency will incur some cost related to development of application forms, processing of applications, licensing software update, etc.
6. **ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** No economic impact on any political subdivision is anticipated by the proposed rules.
7. **ECONOMIC IMPACT ON SMALL BUSINESS:** The 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 12, 2017.

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

**SUBCHAPTER 1. GENERAL PROVISIONS**

**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 in the category for which he or she is providing supervision.

**"Endorsed apprentice"** means a registered apprentice who met the qualifications, pursuant to OAC 158:50-9-5(i), to sit for the journeyman examination in the HVAC limited category and received a passing score on the examination, but who is working to complete the required one (1) year of verifiable experience as a registered apprentice prior to being issued the journeyman license.

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**"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 installer"** 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.

**"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

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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.

**158:50-1-3. License and registration 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.

**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

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- (6) Ground Source Piping
- (7) Limited Residential (journeyman only)
- (8) Limited Residential Installer (journeyman license type)
- (9) Petroleum Refinery Process Piping (journeyman only)
- ~~(9)~~(10) Medical Gas (journeyman only)

### 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) **Limited mechanical HVAC license.** 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-, and/or
  - (C) natural gas piping, refrigeration, and sheet metal.
- (2) **Limited residential journeyman license.** 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) **Limited residential installer license.** A limited residential installer 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



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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.

Further:

A. The limited residential installer is a person who possesses the knowledge and skills to perform limited residential mechanical work within this category without direct supervision while under the employment or supervision of a Mechanical Contractor.

B. No licensee shall allow an apprentice under his or her direct supervision to perform mechanical work for which the limited residential installer is not licensed to perform, or be allowed more than three (3) apprentices per limited residential installer.

C. Applicants for a limited residential installer license must be at least eighteen (18) years of age and have:

i. one (1) year of verifiable experience in the mechanical trade in the category for which he or she is applying, or

ii. 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 limited residential applied for, and six (6) months of verifiable experience in the mechanical trade, or

iii equivalent, verifiable experience in the mechanical trade while serving in the U.S. military.

D. The examination requirements for an installer's license can be found in OAC 158:50-9-1(c).

E. 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.

F. Information on license, renewals, and examination fees can be found in OAC 158:50-9-2 (for journeyman).

G. Continuing education requirements can be found in OAC 158:50-9-7.

~~(3)~~(4) **Unlimited mechanical HVAC license.** 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, and/or

(C) natural gas piping, process piping, refrigeration, and sheet metal.

~~(4)~~(5) **Natural gas piping license.** A natural gas piping license entitles the licensee to install, alter, modify, service, maintain, or repair all natural gas piping.

~~(5)~~(6) **Process piping license.** A process piping license entitles the licensee to install, alter, modify, service, maintain, or repair all process piping.

~~(6)~~(7) **Refrigeration license.** A refrigeration license entitles the licensee to install, alter, modify, service, maintain, or repair refrigeration products, systems, or equipment, including the process piping.

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~~(7)~~(8) **Sheet metal license.** A sheet metal license entitles the licensee to install, alter, modify, service, maintain, or repair all ferrous and nonferrous duct systems.

~~(8)~~(9) **Ground source piping license.** 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)~~(10) **Petroleum refinery journeyman license.** 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)~~(11) **Medical gas journeyman license.** 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.

### 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

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\$50,000. The Construction Industries Board must be notified in the event such liability policy is cancelled for any reason or expires for non-payment of premiums. Mechanical contractors are to add the Construction Industries Board to the certificate of insurance as a certificate holder but not as an additional insured and with no additional cost to ensure required notification.

(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.

### 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, unless otherwise provided in 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 a formal mechanical educational program approved by the Committee, consisting of one thousand (1,000) hours or more from a school, approved by the Committee,

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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~~ a formal mechanical educational program approved by the Committee, 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~~ a formal mechanical educational program approved by the Committee, 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~~ a formal mechanical educational program approved by the Committee, 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~~ a formal mechanical educational program approved by the Committee, 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 may expedite processing of the requirements or be considered for reciprocity under OAC 158:50-9-6 if there is a written reciprocity agreement with that state. The license must:

(i) be current,

(ii) be in good standing, and

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

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

(3) Applicants must present transcripts showing the Committee approved schools, the Committee approved program, courses, hours attended, grades, any certificates achieved, and a vocational diploma or certificate of completion for the specific educational program and school that has been approved by the Committee. The Administrator shall make the final determination on acceptability of the described supporting documentation.

(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

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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

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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.

### 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)(40) 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) If a current apprentice re-registers within 30 days of the expiration of their current registration, the apprentice application fee is waived.

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

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

(h) A maximum of three (3) mechanical apprentices can work under the supervision of a licensed mechanical contractor or journeyman, unless otherwise provided by law.

(i) Registered apprentices interested in sitting for the journeyman examination for the HVAC limited category may apply for approval to sit for examination by meeting the following requirements:

(1) The applicant must be at least seventeen (17) years of age.

(2) The applicant must be a registered apprentice.

(3) The applicant must have completed a formal educational program approved by the Committee consisting of one thousand (1,000) or more hours, from a school approved by the Committee, with no grade lower than seventy (70) percent in all trade courses, and the applicant must be in good standing with the school.

(4) The applicant must present transcripts showing the Committee approved schools, the Committee approved formal educational program, courses, hours attended, grades, any

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certificates achieved, and a vocational diploma or certificate of completion for the specific formal educational program and school that has been approved by the Committee. The Administrator shall make the final determination on acceptability of the described supporting documentation.

(5) The applicant must submit a completed endorsed apprentice application form, all required supporting documentation, the apprentice application fee as set forth in OAC 158:50-9-2, and the examination fee (unless the examination fee is paid directly to a testing provider) to the Construction Industries Board.

(h) An endorsed apprentice is a registered apprentice who met the qualifications pursuant to this Section to sit for the journeyman examination in the HVAC limited category and received a passing score on the examination, but who is working to complete the required one (1) year of verifiable experience as a registered apprentice prior to being issued the journeyman license.

(i) If the endorsed apprentice completes the one (1) year of verifiable experience within three (3) years of the date the endorsed apprentice received a passing score on the journeyman examination in the HVAC limited category, and if the endorsed apprentice is at least eighteen (18) years of age, the endorsed apprentice may apply for a journeyman license in the HVAC limited category without further journeyman examination by submitting a completed journeyman license application form, all required supporting documentation, the journeyman application fee and the initial journeyman license fee as set forth in OAC 158:50-9-2.

### **SUBCHAPTER 11. LICENSE REVOCATION OR SUSPENSION AND PROHIBITED ACTS**

#### **158:50-11-2. Prohibited acts**

(a) The following are 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.

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- (9) No person may alter a license.
  - (10) No licensee or registrant shall fail to notify the Administrator of a change in his or her address.
  - (11) No licensee or registrant shall perform mechanical work without keeping their license or registration 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.

### **158:50-11-3. License/registration 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 the apprentice's registration.



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

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. General Provisions

158:50-1-2 [AMENDED]

158:50-1-3 [AMENDED]

Subchapter 5. License Types, Limitations of Licenses, Contractor Special Requirements and Display of License Number and Firm Name

158:50-5-1 [AMENDED]

158:50-5-2 [AMENDED]

158:50-5-3 [AMENDED]

Subchapter 9. Qualifications for Mechanical Licensure, License and Registration Fees, Duration of License, Mechanical License Application, and Apprentice Registration

158:50-9-1 [AMENDED]

158:50-9-5 [AMENDED]

Subchapter 11. License Revocation or Suspension and Prohibited Acts

158:50-11-2 [AMENDED]

158:50-11-3 [AMENDED]

**SUMMARY:**

The amendments to 158:50-1-2 clarify that a contractor or journeyman providing direct supervision must be licensed in the category for which he or she is providing supervision, add definitions for the new categories "endorsed apprentice" and "limited residential installer," and reduces the restrictions for work to be performed by a limited residential journeyman. The proposed amendment to 158:50-1-3 is to clarify that the section applies to registered apprentices as well as to licensed journeymen and contractors. The proposed amendments to 158:50-5-1 add limited residential installer as a license category and clarify that a limited residential license can only be issued to a journeyman. The amendments to 158:50-5-2 clarify mechanical services that can be provided with a limited and unlimited mechanical HVAC license, reduces restrictions for work to be performed by a limited residential journeyman, and set out the limitations for the proposed new license category of limited residential installer allowing one to obtain the installer category in a shorter period of time than the journeyman license. The amendments to 158:50-5-3 require that mechanical contractors add the Construction Industries Board ("CIB") to the certificate of liability insurance as a certificate holder, not as an additional insured and with no additional cost, to ensure that the CIB is notified if the liability policy is cancelled or expires for non-payment of premiums. The proposed amendments to 158:50-9-1 clarify the experience requirement for a journeyman and contractor license; clarify education that may be substituted for a portion of the experience requirement; and identify documentation required to demonstrate completion of education that may be substituted for experience. The amendments to 158:50-9-5 correct a citation; clarify an application fee is not required for a timely filed apprentice re-registration; clarify the requirement for direct supervision of apprentices; and set out requirements for an apprentice to be able to sit for the journeyman examination after education without first having to wait to complete the experience requirement, upon passing the examination being registered as an "endorsed apprentice" working as an apprentice, and upon completing the experience requirement obtain a journeyman license without further journeyman examination. The amendments to 158:50-11-2 clarify prohibited acts listed in (a) of the Section that apply to all individuals and those that apply to licensees and registrants. The amendments to 158:50-11-3 clarify that certain actions could be justification for suspending or revoking a licensee's license or an apprentice's registration.

**AUTHORITY:**

Construction Industries Board; 59 O.S. §§ 1000.4, 1000.5, and 1850.3

**COMMENT PERIOD:**

Written and oral comments will be accepted until 4:30 p.m. on January 16, 2018, 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 17, 2018, 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, 2018, 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](http://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 29, 2017, at the address listed above for obtaining copies of the proposed rules.

**CONTACT PERSON:**

Kim Stell, Business Program Officer/Assistant, 405-521-6550

**ADDITIONAL INFORMATION:**

If the monthly meeting of the Construction Industries Board scheduled for Wednesday, January 17, 2018, cannot be held due to inclement weather or lack of a quorum, the Public Hearing that would have occurred January 17, 2018, at that monthly meeting of the Construction Industries Board will be held instead at the monthly meeting scheduled for Wednesday, February 21, 2018, 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.