

## RULE IMPACT STATEMENT

### TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 1. PROCEDURES OF THE OKLAHOMA CONSTRUCTION INDUSTRIES BOARD

1. **BRIEF DESCRIPTION OF PURPOSE OF PROPOSED RULE:** The purpose of amendments to 158:1-3-10 is due to legislation that was passed (SB 670) which provides a fee waiver to active duty military and their spouses; amendments also clarify licensure requirements; and amendments in 158:1-3-13 are due to legislation that was passed (HB 2933) providing a one-time low income fee waiver.
2. **DESCRIPTION OF THE CLASSES OF PERSONS AFFECTED:** The agency, members of industry and persons subject to the provisions of The Plumbing License Law of 1955, the Electrical License Act, the Mechanical Licensing Act, the Oklahoma Inspectors Act, the Home Inspection Licensing Act, and the Roofing Contractor Registration Act.
3. **CLASSES OF PERSONS BENEFITTED:** The agency, members of industry and persons subject to the provisions of The Plumbing License Law of 1955, the Electrical License Act, the Mechanical Licensing Act, the Oklahoma Inspectors Act, the Home Inspection Licensing Act, the Roofing Contractor Registration Act, and members of the public interested in the trades.
4. **ECONOMIC IMPACT UPON AFFECTED CLASSES OF PERSONS:** No fees are established only fee waivers provided in certain circumstances by the proposed rules, thus having a positive economic impact on the classes of persons affected.
5. **COSTS AND BENEFITS TO THE AGENCY:** Although there could be a loss of revenue received by the agency associated with SB 670 and HB 2933, the proposed amendments create a minimal initial cost for software changes to account for licenses issued without the associated fee. The benefit is to have clear, unambiguous rules in place to assist those impacted by the rules.
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:** 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:** No impact on public

health is anticipated.

10. **DETRIMENTS TO PUBLIC HEALTH IF THE RULE IS NOT ADOPTED:** There are no known detriments to public health if the proposed rule changes are not adopted.
11. **DATE IMPACT STATEMENT PREPARED:** December 18, 2019.

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD  
CHAPTER 1. PROCEDURES OF THE OKLAHOMA CONSTRUCTION INDUSTRIES  
BOARD**

**SUBCHAPTER 3. GENERAL OPERATION AND PROCEDURES**

**158:1-3-10. Acceptance of Military education, training, and experience toward qualification for licensure or endorsement examination**

(a) **Licensure or endorsement - post-military service.** ~~In accordance with 59 O.S. § 4100.4 of the Post Military Service Occupation, Education and Credentialing Act, the related trade committee and the~~The Board shall, upon satisfactory evidence of substantially equivalent education, training and experience by an applicant for licensure, registration, or endorsement, accept the education, training and experience completed by the applicant as a member of the Armed Forces or Reserves of the United States, National Guard of any jurisdiction, the Military Reserves of any jurisdiction, or the Naval Militias of any jurisdiction, and apply it in the manner most favorable toward satisfying the applicant's qualifications for examination and license or endorsement issuance.

(1) An applicant applying under this paragraph must complete and submit the following:

(A) Appropriate application(s).

(B) Satisfactory evidence of education, training and experience obtained by the applicant as a member of the military Armed Forces or Reserves of the United States.

(C) License, registration, or endorsement certification(s) from jurisdiction(s) in which the applicant has held or currently holds a license, registration, or endorsement, if applicable.

(D) Criminal history background application, finger print card and fee, if applicable.

(E) Successful completion of the appropriate examination.

(F) An Oklahoma license or registration will be issued within thirty (30) days if applicant is licensed or registered and in good standing in another state upon receipt of completed application and presentation of satisfactory proof of equivalency.

(b) **Military spouse applicant – equivalency.** ~~In accordance with 59 O.S. § 4100.5 the~~The Board shall issue the individual an equivalent license, registration, or endorsement in an equivalent category if, ~~in the opinion of the related trade committee,~~ the requirements for licensure, registration, or endorsement of the other state are substantially equivalent to those required by this state, and the applicant:

(1) is actively licensed or holds active registration or endorsement in another state;

(2) is the spouse of an active-duty member of the Armed Forces or Reserves of the United States;

(3) has a spouse subject to a military transfer to this state; and

(4) left employment in another state to accompany their spouse to this state.

(c) **May be required to meet additional requirements.** If, in the opinion of the related trade committee, there is a question as to the competence of the previously licensed, registered, or

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endorsed applicant, the individual may be required to meet additional educational courses and/or successfully complete the required examination.

**(d) Meeting licensure requirements.** Nothing in the Military Service Occupation, Education and Credentialing Act shall be construed to require the issuance of any license or registration to an applicant who does not otherwise meet the stated eligibility standards, criteria, qualifications or requirements for licensure or registration, nor shall the provisions be construed to automatically allow issuance of any license or registration without the required examination, without proper consideration by the licensing and examination board, or without proper verification that the applicant is not subject to pending criminal charges or disciplinary actions, has not been convicted of any offense prohibiting licensure or registration, and has no other impairment which would prohibit licensure or registration in this state.

**(e) Active duty and spouse of active duty application.** Every active duty military personnel and their spouse who is licensed or registered in another state, upon receiving notice or orders for military transfer or honorable discharge to Oklahoma may in advance of actual transfer or discharge submit a completed application to the Construction Industries Board requesting a license or registration based on their currently held valid license or registration from another state or territory of the United States so such person may upon entering Oklahoma be authorized to continue their licensed or registered occupation without delay.

Upon receipt of an active duty military application submitted as outlined above and presentation of satisfactory evidence of equivalent education, training and experience on such valid license or registration from another state, the Construction Industries Board can accept the valid license or registration and apply all its education, training and experience in the manner most favorable toward satisfying the qualifications for issuance of the requested license or registration in Oklahoma, and shall issue the requested Oklahoma license or registration within thirty (30) days provided the license or certification from the other state is found to be in good standing and reasonably equivalent to the requirements of this state.

A license or registration issued pursuant to 59 O.S. § 4100.8 shall be valid for the same period as authorized for full license or registration in this state, unless the person is notified that there is cause for a denial of the application or that certain documentation required by Oklahoma is lacking or unavailable. In such case, a temporary credential shall be issued to allow the person time to obtain the necessary requirement while continuing to be employed in his or her occupation or profession in this state. Any active duty military applicant receiving a notice of denial of full licensure or registration shall have the right to appeal the denial determination as provided in the Administrative Procedures Act or to obtain and submit the documentation required to complete full license or registration requirements in this state.

Each credentialing authority in this state shall waive the application fee for active duty military personnel and their current spouse and shall further waive the license or certificate fees for the first period of issuance for such temporary, reciprocal or comity license or certificate.

Any active duty military personnel who pursuant to any federal or military law, rule or regulation is not required to be licensed or credentialed while employed and performing their occupation or profession only on the premises of an assigned military base shall not be required to be licensed or credentialed in this state pursuant to the same law, rule or regulation.

**158:1-3-13. Reciprocity, exam equivalency, and portability of licensure and registration and one time low-income license fee waiver.**

(a) **Reciprocity.** Pursuant to the Construction Industries Board Act and trade licensing and registration acts administered by the Board, the Board may enter into reciprocity agreements with another state or jurisdiction, upon a satisfactory showing that the requirements for obtaining a license by examination in Oklahoma are deemed by the Board to be substantially the same or equivalent to the requirements of the other jurisdiction's original license by examination. A current Oklahoma reciprocity agreement allows Oklahoma and another jurisdiction, to reciprocate by license type and category, without the Oklahoma licensee or the in-coming applicant being required to meet any additional requirement in either jurisdiction.

(b) **Exam equivalency.** To allow licensees to have more portability of their license, one who is seeking Oklahoma licensure may be eligible for exam equivalency in the category of their home jurisdiction license by examination. The Board may enter into exam equivalency agreements with another state or jurisdiction concerning an examination requirement of a license upon a satisfactory showing that the examination in Oklahoma and the other jurisdiction is deemed by the Board to be an equivalent examination. After there is an approved exam equivalency agreement with the jurisdiction, applications may be accepted from that jurisdiction showing proof of successfully passing the exam. Proof of continuous licensing in good standing from time of examination is required. A current examination equivalency agreement allows another jurisdiction's exam, that is evaluated by a trade Committee to be equivalent to Oklahoma's exam for the same license type and category, to be approved by the Board and accepted for the exam requirement in Oklahoma. Exam equivalency only applies to the examination requirement of a license, therefore all other requirements for that license type and category must still be completed to obtain a license in Oklahoma.

(c) **One time low-income fee waiver.** An individual may be eligible to obtain a one-time one-year fee waiver if the individual completes a request form and provides proof of one of the following requirements: enrolled in the Temporary Assistance for Needy Families, Medicaid, Supplemental Nutrition Assistance Program or other similar state or federal public assistance program, or whose household adjusted gross income is below one hundred forty percent (140%) of the federal poverty line or a higher threshold to be set by the executive branch department that oversees business regulation.

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD**  
**CHAPTER 1. PROCEDURES OF THE OKLAHOMA CONSTRUCTION INDUSTRIES BOARD**

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. General Operation and Procedures

158:1-3-10 [AMENDED]

158:1-3-13 [AMENDED]

**SUMMARY:**

The proposed amendments to 158:1-3-10 clarify licensure or endorsement related to military service and military spouse applicant equivalency and provides a fee waiver for active duty military and their spouses related to SB670. The proposed amendments for 158:1-3-13 allow for a one time low-income fee waiver related to HB2933.

**AUTHORITY:**

Construction Industries Board; 59 O.S. §§ 858-627, 1000.4, 1000.5, 1002, 1032, 1681, 1850.3, 1151.2a, and 1151.4

**COMMENT PERIOD:**

Written and oral comments will be accepted until 4:30 p.m. on January 17, 2020, 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 29, 2020, 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 17, 2020, 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 31, 2019, 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 29, 2020, cannot be held due to inclement weather or lack of a quorum, the Public Hearing that would have occurred January 29, 2020, at that monthly meeting of the Construction Industries Board will be held instead at the monthly meeting scheduled for Wednesday, February 12, 2020, 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.