

RULE IMPACT STATEMENT

TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 30. PLUMBING INDUSTRY REGULATIONS

1. **BRIEF DESCRIPTION OF PURPOSE OF PROPOSED RULE:** The purpose of the proposed amendments to 158:30-1-2 adds definitions for clarification to distinguish residential categories; the proposed amendment to 158:30-1-4 adds clarification to the rule regarding the standards of installation provisions of the plumbing codes; the amendments to 158:30-5-1 clarifies the journeyman plumber and plumbing contractor licenses, describes the residential journeyman plumber license category, and creates a needed pathway to a residential plumbing contractor license category; amendments to 158:30-11-2 provides clarification on license limits and enforcement of the residential categories.
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 plumbing 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 plumbing 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. No fees are established, thus having a positive economic impact on the classes of persons affected.
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 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:** November 16, 2023.

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 30. PLUMBING INDUSTRY REGULATIONS**

SUBCHAPTER 1. GENERAL PROVISIONS

158:30-1-2. 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 Plumbing License Law of 1955 as found at 59 O.S. § 1001, *et seq.*, as amended.

"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 plumbing code variance from the standard of installation as described in OAC 158:30-1-4 by the Construction Industries Board under the Act.

"Apprentice" or **"Plumber's Apprentice"** means any person sixteen (16) years of age or older who, as the principle occupation of the person, is registered pursuant to OAC 158:30-5-1(a) and engaged in learning and assisting in the installation of plumbing under the direct supervision of a licensed journeyman plumber or plumbing contractor.

"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 Plumbing Examiners.

"Contracting" means engaging or offering to engage in, on behalf of oneself or on behalf of another, any plumbing work which requires a valid and appropriate license from the Construction Industries Board as required by the Plumbing License Law of 1955, regardless if said work is in exchange for monetary payment or otherwise.

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

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

"Farm Operations"

(A) For purposes of the Plumbing License Law, "farm" means land devoted primarily to production for sale of livestock or agricultural commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(B) For purposes of the Plumbing License Law, "farm building" means all homes (i.e., domiciles, residences), or buildings therewith designed and used primarily for and in conjunction with conducting farming operations, provided that said buildings are not connected to a public water and/or sewage system. A "farm building" shall not include other structures such as stores, service stations, schools, motels, or any other building having public access, whether connected to private or public water or sewer systems.

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"Hearing Board" means the Plumbing Hearing Board.

"Journeyman Plumber" means any person other than a plumbing contractor or apprentice who engages in or works at the actual installation, alteration, repair and/or renovation of plumbing and when used in context of a license category means an unlimited journeyman plumber who has qualified and is licensed under The Plumbing License Law of 1955.

"Maintenance of state owned or operated facilities" means maintenance of state institutions and school districts and will be construed as all repair and/or upkeep of existing plumbing or plumbing fixtures within existing state owned buildings or local school district owned buildings. This term shall not include the installation of plumbing in a new building or new additions to existing structures or replacement of plumbing systems in existing buildings.

"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.

"Plumbing" means and includes:

- (A) all piping, fixtures, appurtenances and appliances for, and in connection with, a supply of water within or adjacent to any building, structure, or conveyance, on the premises and to the connection with a water main or other source of supply;
- (B) all piping, fixtures, appurtenances and appliances for sanitary drainage or storm drainage facilities, including venting systems for such facilities, within or adjacent to any building, structure, or conveyance, on the premises and to the connection with a public disposal system or other acceptable terminal;
- (C) the installation, repair, maintenance and renovation of all piping, fixtures, appurtenances and appliances for a supply of water, or for the disposal of waste water, liquid waste, or sewage within or adjacent to any building, structure, or conveyance, on the premises and to the source of supply of water or point of disposal of wastes;
- (D) the original installation of a water softener but not the exchanging of the units whereby only unions are disturbed in the replacement;
- (E) the installation of water services and building sewers; and
- (F) sewer cleaning-house sewer maintenance.

"Plumbing Contractor" means any person skilled in the planning, superintending, and practical installation of plumbing, familiar with the laws and rules governing the same, has qualified and is licensed under The Plumbing License Law of 1955 as a plumbing contractor, who may operate as an individual, a firm, partnership, limited liability company, or corporation, or other legal entity to engage in the business of plumbing, or the business of contracting to do plumbing, or furnish labor or materials or both for the installation, repair, maintenance, or renovation of plumbing according to the requirements of The Plumbing License Law of 1955, and when used in context of a license category means an unlimited plumbing contractor.

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

"Property of Residence" means permanently constructed residential property that is an existing single-family dwelling occupied by the individual owner as a primary dwelling where the individual owner's habitation is fixed.

"Reciprocity agreement" means an agreement whereby a person holding a plumber's license or registration who is licensed in another state with substantially similar or greater licensure requirements may be licensed in this State after payment of a fee for licensing by reciprocity.

"Residential Journeyman Plumber" means any person who is qualified and licensed other than a plumbing contractor to engage in or works at the actual installation, alteration, repair and/or renovation site of residential plumbing that is limited to the type and category of journeyman plumbing license for supervising and performing plumbing work 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.

"Residential Plumbing Contractor" means any person who is qualified and licensed in the type and category of residential plumbing contractor license that limits the plumbing contractor to contracting, supervising and performing plumbing work 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.

"Variance" means the use of an alternative material or method of construction from that prescribed in the standard of installation as described in OAC 158:30-1-4 for use at a particular location or project specified in the variance application; and

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

"Verifiable Experience" means plumbing experience, for which one (1) year of verifiable experience equals two thousand (2000) hours, may be obtained while employed by a licensed plumbing contractor, or by other means approved by the Committee of Plumbing Examiners including equivalent experience earned while serving in the military.

158:30-1-4. Standard of installation

The standards of installation are the provisions of the plumbing codes – the International Plumbing Code, the International Fuel Gas Code and the plumbing portion of the International Residential Code, as revised and adopted by the OUBCC pursuant to the Oklahoma Uniform Building Code Commission Act: the provisions of the plumbing codes for the unlimited journeyman plumber and unlimited plumbing contractor are the International Plumbing Code, the International Fuel Gas Code and the plumbing portion of the International Residential Code, as revised and adopted by the Uniform Building Code Commission; and the provisions of the plumbing codes for the residential journeyman plumber and residential plumbing contractor are the plumbing portions of the International Residential Code, as revised and adopted by the Uniform Building Code Commission.

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

158:30-5-1. License and registration types

(a) Apprentice plumber registration.

- (1) Apprentice plumbers when engaged in plumbing must be under the direct supervision of a licensed plumber who are both employed by the same plumbing contractor.
- (2) A maximum of three (3) apprentice plumbers can work under the supervision of a licensed plumber.
- (3) 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.

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- (4) 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 158:30-9-2(b) is submitted to the Plumbing License Unit along with verification of enrollment in an approved school or training course or a statement of employment by the licensed plumbing contractor who arranged for employment of the apprentice.
- (5) 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 the expiration of previous registration.
- (b) **Journeyman plumber license.**
- (1) To engage in the act of plumbing, a an unlimited journeyman plumber must be employed and supervised by a licensed plumbing contractor, ~~who may operate as an individual, a firm, partnership, limited liability company, or corporation, or other legal entity to engage in the business of plumbing, or the business of contracting to do plumbing.~~
- (2) A journeyman shall not contract or furnish labor and/or labor and materials.
- (3) An unlimited journeyman plumber is restricted to performing residential plumbing work when employed and supervised by a residential plumbing contractor.
- (c) **Plumbing contractor license.** Unlimited plumbing contractors meet the same requirements as applicants for the unlimited journeyman examination with an additional one (1) year of experience. Plumbing contractors must notify their surety of any municipalities wherein plumbing work will be performed and may operate as an individual, a firm, partnership, limited liability company, or corporation, or other legal entity to engage in the business of plumbing, or the business of contracting to do plumbing within the unlimited category.
- (d) **Residential journeyman plumber license.** A residential journeyman license entitles the licensee to install Plumbing as defined in 158:30-1-2 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.
- (1) To engage in the act of residential plumbing, a residential journeyman plumber must be employed and supervised by a licensed plumbing contractor.
- (2) A residential journeyman shall not contract or furnish labor and/or labor and materials.
- (3) A residential journeyman performs plumbing work as an apprentice in commercial or industrial plumbing.
- (e) **Residential plumbing contractor license.** Residential plumbing contractors meet the same requirements as applicants for the residential journeyman examination with an additional one (1) year of experience. Residential plumbing contractors must notify their surety of any municipalities wherein plumbing work will be performed and may operate as an individual, a firm, partnership, limited liability company, or corporation, or other legal entity to engage in the business of plumbing, or the business of contracting to do plumbing within the residential category.

SUBCHAPTER 11. LICENSE REVOCATION OR SUSPENSION AND PROHIBITED ACTS

158:30-11-2. Prohibited acts

- (a) No person, entity, or firm may engage in plumbing contracting or perform plumbing work without first obtaining the appropriate license or registration pursuant to this Chapter.

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- (b) No person shall offer to engage in work as a plumber during the period his or her license is suspended or revoked.
- (c) No employing plumbing firm shall employ or use an unlicensed or unregistered plumber to perform plumbing work.
- (d) No person, entity, or firm may transfer a license or registration.
- (e) No plumber, licensed pursuant to the Act and 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 this Chapter, or whose license is currently suspended or has within the last year been revoked, unless or until otherwise approved by the Board.
- (f) No person shall make a materially false or fraudulent statement in an application for license.
- (g) No person may alter a license.
- (h) No person may engage in cheating or any act involving the fraudulent misrepresentation of an applicant by an examinee.
- (i) No person or entity shall deny access to the Construction Industries Board or its representative on a job site.
- (j) No residential plumbing journeyman or residential plumbing contractor shall perform plumbing work beyond the limits of their license set forth in this Chapter, except when working as an apprentice employed by and under the direct supervision of an unlimited journeyman plumber or unlimited plumbing contractor.

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 30. PLUMBING INDUSTRY REGULATIONS**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

158:30-1-2 [AMENDED]

158:30-1-4 [AMENDED]

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

158:30-5-1 [AMENDED]

Subchapter 11. License Revocation or Suspension and Prohibited Acts

158:30-11-2 [AMENDED]

SUMMARY:

The proposed amendment to 158:30-1-2 adds four definitions for clarification to distinguish residential categories; the proposed amendment to 158:30-1-4 adds clarification to the rule regarding the standards of installation provisions of the plumbing codes. The proposed amendment to 158:30-5-1 clarifies the journeyman plumber and plumbing contractor licenses, describes the residential journeyman plumber license category, and creates a needed pathway to a residential plumbing contractor license category. The proposed amendment to 158:30-11-2 provides clarification on license limits and enforcement of the residential categories.

AUTHORITY:

Construction Industries Board; 59 O.S. §§ 1000.4(A)(1), 1000.5, and 1002

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on December 18, 2023, 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, submitted via regular mail or by email to StephanieB@cib.ok.gov.

PUBLIC HEARING:

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 24, 2024, 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 December 18, 2023, 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 November 29, 2023, at the address listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Stephanie Brown, Board Secretary/Executive Assistant, 405-521-6550 or at StephanieB@cib.ok.gov.

ADDITIONAL INFORMATION:

If the monthly meeting of the Construction Industries Board scheduled for Wednesday, January 24, 2024, cannot be held due to such as inclement weather or lack of a quorum, the Public Hearing that would have occurred January 24, 2024, at that monthly meeting of the Construction Industries Board will be held instead at the monthly meeting scheduled for Wednesday, February 7, 2024, 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.