

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

### SUBCHAPTER 1. GENERAL PROVISIONS

#### 158:30-1-1. Purpose

The rules in this Chapter implement the Plumbing License Law of 1955, 59 O.S. § 1001, *et seq.*, as amended.

*[Source: Added at 19 Ok Reg 721, eff 1-22-02 (emergency); Added at 19 Ok Reg 1264, eff 5-28-02; Amended at 30 Ok Reg 1533, eff 7-11-13; Amended at 31 OK Reg 899, eff 9-12-14]*

#### 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.

**"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.

*[Source: Added at 19 Ok Reg 721, eff 1-22-02 (emergency); Added at 19 Ok Reg 1264, eff 5-28-02; Amended at 20 Ok Reg 2652, eff 7-26-03; Amended at 23 Ok Reg 1213, eff 5-25-06; Amended at 30 Ok Reg 1533, eff 7-11-13; Amended at 31 Ok Reg 899, eff 9-12-14; Amended at 32 Ok Reg 1616, eff 9-11-15; Amended at 34 Ok Reg 873, eff 10-1-17; Amended at 36 Ok Reg 1407, eff 10-1-19; Amended at 37 Ok Reg 1048, eff 10-1-20; Amended at 41 Ok Reg 1746, eff 10-1-24]*

### **158:30-1-3. License and registration requirement**

(a) No person, on his or her own behalf or on behalf of a plumbing firm, shall engage or offer to engage in, by advertisement or otherwise, any plumbing work who does not possess a valid and

appropriate license or registration from the Construction Industries Board pursuant to this Chapter.

(b) 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.

(c) No person shall act in the capacity as a foreman, supervisor or superintendent, regardless of job title, over any plumbing work on behalf of a plumbing contractor unless such person possesses a valid plumbing contractor or journeyman license from the Construction Industries Board.

*[Source: Added at 19 Ok Reg 721, eff 1-22-02 (emergency); Added at 19 Ok Reg 1264, eff 5-28-02; Amended at 31 Ok Reg 899, eff 9-12-14; Amended at 32 Ok Reg 1616, eff 9-11-15; Amended at 35 Ok Reg 917, eff 10-1-18; Amended at 37 Ok 1049, eff 10-1-20]*

#### **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.

*[Source: Added at 19 Ok Reg 721, eff 1-22-02 (emergency); Added at 19 Ok Reg 1264, eff 5-28-02; Amended at 21 Ok Reg 491, eff 11-14-03 (emergency); Amended at 21 Ok Reg 1187, eff 5-27-04; Amended at 23 Ok Reg 1213, eff 5-25-06; Amended at 26 Ok Reg 2451, eff 7-11-09; Amended at 30 Ok Reg 1533, eff 7-11-13; Amended at 32 Ok Reg 1616, eff 9-11-15; Amended at 41 Ok Reg 1746, eff 10-1-24]*

### **SUBCHAPTER 3. PROCEDURES OF THE COMMITTEE AND HEARING BOARD**

#### **158:30-3-1. Procedures of the Committee**

The Committee shall serve the Board in an advisory capacity, formulate rules pursuant to the Plumbing License Law of 1955, and assist and advise the Administrator on the examination of applicants for licenses as journeyman plumber and/or plumbing contractor, in accordance with this Chapter and the terms and conditions of the Act. The Committee shall make up a part of the State Plumbing Hearing Board.

(1) The Committee shall meet at least twice each year. Meetings of the Committee will comply with the Oklahoma Open Meeting Act. The Board shall notify all examination applicants by direct mail of the procedures and contact information to set a date and time for examination.

(2) The public may communicate, obtain information and make submissions, requests, and applications for plumbing examinations by mail or in person at the Oklahoma Construction Industries Board.

- (3) Application for licensure shall be done by filling out an application for examination on a form provided by the Plumbing Licensing Unit.
- (4) All forms and instructions used by the Plumbing Licensing Unit shall be approved by the Administrator pursuant to 59 O.S. § 1007, and are available at the offices of the Board.
- (5) All records not privileged from disclosure by law are subject to the provisions of the Oklahoma Open Records Act, 51 O.S. § 24A.1, *et seq.* Copies shall be priced as determined by OAC 158:1-3-5.
- (6) The Administrator will confirm or deny that a person is licensed upon request of the public.

*[Source: Added at 19 Ok Reg 721, eff 1-22-02 (emergency); Added at 19 Ok Reg 1264, eff 5-28-02; Amended at 30 Ok Reg 1533, eff 7-11-13; Amended at 31 Ok Reg 899, eff 9-12-14; Amended at 32 Ok Reg 1616, eff 9-11-15; Amended at 35 Ok Reg 917, eff 10-1-18]*

### **158:30-3-2. Procedures of the Hearing Board**

- (a) The Hearing Board shall meet as often as is necessary to enforce the requirements of the Act and this Chapter. The Hearing Board shall be comprised of a designee of the Construction Industries Board and the Committee.
- (b) The standard of review to be used by the Hearing Board for individual proceedings concerning the work of contractors, journeymen and apprentices shall be the standard of installation referenced in OAC 158:30-1-4.

*[Source: Added at 19 Ok Reg 721, eff 1-22-02 (emergency); Added at 19 Ok Reg 1264, eff 5-28-02; Amended at 30 Ok Reg 1533, eff 7-11-13; Amended at 31 Ok Reg 899, eff 9-12-14; Amended at 32 Ok Reg 1616, eff 9-11-15]*

## **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.
- (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, an unlimited journeyman plumber must be employed and supervised by a licensed plumbing contractor.
  - (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.

*[Source: Added at 19 Ok Reg 721, eff 1-22-02 (emergency); Added at 19 Ok Reg 1264, eff 5-28-02; Amended at 20 Ok Reg 2652, eff 7-26-03; Amended at 23 Ok Reg 1147, eff 3-29-06 through 7-14-07 (emergency)<sup>1</sup>; Amended at 24 Ok Reg 2871, eff 8-25-07; Amended at 35 Ok Reg 917, eff 10-1-18; Amended at 37 Ok Reg 1050, eff 10-1-20; Amended at 41 Ok Reg 1746, eff 10-1-24]*

**EDITOR'S NOTE:** <sup>1</sup>This emergency action expired before being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last effective permanent text is reinstated. Therefore, on 7-15-07 (after the 7-14-07 expiration of the emergency action), the text of 158:30-5-1 reverted back to the permanent text that became effective 7-26-03, as was last published in the 2006 Edition of the OAC, and remained as such until amended again by permanent action on 8-25-07.

**158:30-5-2. Insurance and bond requirements**

(a) Unless as otherwise provided in (b) of this Section: Each active plumbing contractor must maintain a five thousand dollar (\$5,000.00) corporate surety bond, payable to the Board on the Board's call upon the bond, and must cause the surety to file a copy of such bond with the Plumbing Licensing Unit.

(b) An active plumbing contractor may also satisfy the requirements of (a) of this Section by filing with the Plumbing Licensing Unit documentation demonstrating cash funds securely held for bonding purposes equivalent to a corporate surety bond of either the sum of \$5,000 cash or a certificate of deposit in the sum of \$5,000 so held for bonding purposes and payable to the Board on the Board's call upon the bond.

(c) Failure to maintain a corporate surety bond in effect shall constitute an inactive contractor status of a bonded plumbing contractor license immediately upon the expiration of such bond.

(d) A corporate surety bond may be accepted from any surety authorized to do business in the State of Oklahoma. It shall continue in effect until thirty (30) days have elapsed after the Bond and Insurance Unit is notified by the surety of the cancellation of such bond, unless the bond expired on a date certain on its face.

(e) A bond or other surety filed in accordance with (a) of this Section shall be in lieu of filing a bond with each municipality where the plumbing contractor works, and shall be conditioned upon all the following terms:

(1) Plumbing contractors shall faithfully and properly conduct business in compliance with applicable statutes, rules of the Oklahoma Construction Industries Board, and with all the applicable ordinances of the municipality in which plumbing work is performed.

(2) Plumbing contractors shall pay all fines and penalties imposed by penalty orders of the Board and fines and penalties imposed by courts of competent jurisdiction for the violation of municipal ordinances. The Board may seek payment through the surety bond of any fines or penalties, which the licensee fails to pay.

(3) In lieu of a corporate surety, an active plumbing contractor may deposit with the Bonds and Insurance Unit the required amount in lawful money or negotiable bonds of the United States, accompanied by a written instrument, to be approved by the Construction Industries Board, executed and acknowledged by the active plumbing contractor, and setting forth the conditions upon which the deposit is made. When the true owner is other than the active plumbing contractor making the deposit, the instrument shall so state and shall also be executed and acknowledged by the true owner. Upon exoneration, the instrument and deposit may be returned by the Bonds and Insurance Unit to the depositor or the true owner, if the depositor is other than the named true owner, after application of the deposit to claims made pursuant to this Section.

(4) Notwithstanding any provision of a security instrument to the contrary, every surety or depositor of security subjects himself or herself to the jurisdiction of the Construction Industries Board and irrevocably appoints the Administrator as his or her agent upon whom any papers affecting his or her liability may be served. Every surety or depositor of security consents to his or her liability being joint and several. Consequently, judgment may be entered against the surety, or depositor of security, in accordance with his or her obligation simultaneously with judgment against the principal, and execution may thereupon issue.

(5) Plumbing contractors shall protect, save harmless and indemnify the State and municipalities against any liability imposed by law against the State and municipalities for the negligence of said contractor arising from any act or omission while engaged in

work pursuant to the Plumbing License Law.

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

(7) For purposes of this Section, the term plumbing contractor also includes the agents, servants, and employees of a plumbing contractor.

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

(1) The plumbing 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 plumbing 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 plumbing 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.

(g) Insurance. A plumbing contractor shall provide proof of financial responsibility by providing a certificate of insurance, which indicates a minimum general liability policy of \$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. Plumbing contractors are to add the Construction Industries Board to the certificate as a certificate holder but not as an additional insured and with no additional cost to ensure required notification.

(h) Failure to provide the complete information with current bond and insurance certificate or failure to maintain bond and insurance will result in an inactive plumbing contractor's license being temporarily issued until such time as the requirements are met.

*[Source: Added at 19 Ok Reg 721, eff 1-22-02 (emergency); Added at 19 Ok Reg 1264, eff 5-28-02; Amended at 21 Ok Reg 491, eff 11-14-03 (emergency); Amended at 21 Ok Reg 761, eff 4-26-04; Amended at 22 Ok Reg 1059, eff 5-26-05; Amended at 25 Ok Reg 1856, eff 6-26-08; Amended at 31 Ok Reg 899, eff 9-12-14; Amended at 32 Ok Reg 1616, eff 9-11-15; Amended at 34 Ok Reg 873, eff 10-1-17; Amended at 35 Ok Reg 917, eff 10-1-18; Amended at 36 Ok Reg 1408, eff 10-1-19; Amended at 37 Ok Reg 1050, eff 10-1-20]*

### **158:30-5-3. Display of license number and firm name**

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

(b) The Plumbing Contractor State License Number must be displayed on all advertising, contracts, and bids. Advertising for the purposes of this section shall not include uniforms or promotional items including but not limited to pens, pencils, key chains, tape measures, and the like.

(c) The pocket license issued by the Administrator shall be on the plumber's person while on the job.



*[Source: Added at 19 Ok Reg 721, eff 1-22-02 (emergency); Added at 19 Ok Reg 1264, eff 5-28-02; Amended at 20 Ok Reg 2652, eff 7-26-03; Amended at 24 Ok Reg 2871, eff 8-25-07]*

#### **158:30-5-4. Plumbing journeymen and contractor licenses by reciprocity**

(a) **General procedures for application.** Any person holding a valid plumbing journeyman license or plumbing contractor license issued by another state who is seeking to obtain a license by reciprocity shall first submit an application to the Construction Industries Board on a form provided by the Board and confirm that a written reciprocity agreement exists between the applicant's state and Oklahoma for the license the applicant is seeking. The application shall include all documentation necessary to show the applicant meets the requirements established by the Act and this Chapter. All applications shall first be directed to the Committee or its designee for an initial review to determine if the applicant meets the qualifications for a license by reciprocity as set forth in this Chapter and in 59 O.S. § 1000.5A or any subsequent enactment of the Legislature. Following this review, the Committee or its designee shall make a recommendation to the Board or its designee as to whether the application should be approved or disapproved. The Board or its designee shall make the final determination as to whether an application shall be approved or disapproved. If the Board or its designee disapproves an application, the application shall be returned to the applicant with the reason for the disapproval.

(b) **Application fees.** Before an application will be considered, a person applying for a plumbing journeyman license by reciprocity must pay the journeyman application fee and the initial journeyman license fee as set forth in OAC 158:30-9-2. If the person is applying for a plumbing contractor license, the person must pay the contractors application fee and the initial contractor license fee as set forth in OAC 158:30-9-2. These fees shall not be refundable under any circumstances.

(c) **Requirements for issuance of a license by reciprocity.** An application for a license by reciprocity may be approved upon a satisfactory showing by the applicant of the following:

(1) That the requirements for licensure from the state in which the applicant is licensed are determined to be substantially the same or equivalent to the requirements for obtaining a license by examination in this State. In making this determination the following shall be considered:

(A) Whether the experience required by the other state to be eligible to sit for the license examination is substantially the same or equivalent to the Board's requirements;

(B) Whether the continuing education requirements of the other state are substantially the same or equivalent to the Board's requirements;

(C) Whether the codes adopted by the other state are substantially the same or equivalent to the Board's requirements;

(D) Whether the examination of the other state is substantially the same or equivalent to the Board's requirements. This shall include the score required to pass the examination, the subject matter of the examination, the codes on which the examination is based, and whether the examination is in written form.

(2) That the other state will recognize a license issued by the State of Oklahoma through the Construction Industries Board. Paragraphs (1) and (2) of this subsection may only be satisfied by the existence of a reciprocity agreement between the Board and the state issuing the applicant's current license as provided in (d) of this Section.

(3) That the applicant is currently licensed by a state that meets the requirements of (1)

of this subsection and that one (1) year immediately prior to the application, the applicant lawfully practiced an applicable trade within and under the laws of that state.

(4) That no disciplinary matters are pending against the applicant in any jurisdiction in which the applicant is currently licensed. This requirement will be considered satisfied upon presentation of a certified statement from the licensing authorities of all jurisdictions in which the applicant is currently licensed that no disciplinary matters are pending against applicant.

(5) That the applicant obtained the license to be reciprocated by examination.

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

(e) **Additional requirements for contractor applicants.** Applicants seeking a plumbing contractor license by reciprocity who meet the necessary qualifications for a license as required in this Section and for which there is a written reciprocity agreement for contractors, will be granted a journeyman license by reciprocity. The applicant will be issued a contractor license upon successfully passing the Oklahoma Plumbing Contractor Business and Law portion of the full contractor examination and satisfaction of the bonding and insurance requirements of OAC 158:30-5-2.

*[Source: Added at 21 Ok Reg 491, eff 11-14-03 (emergency); Added at 21 Ok Reg 761, eff 4-26-04; Amended at 30 Ok Reg 1533, eff 7-11-13; Amended at 31 Ok Reg 899, eff 9-12-14; Amended at 32 Ok Reg 1616, eff 9-11-15; Amended at 34 Ok Reg 873, eff 10-1-17]*

## SUBCHAPTER 9. EXAMINATION PROCEDURES, LICENSE AND REGISTRATION FEES AND DURATION OF LICENSES

### 158:30-9-1. Examination and licensure procedures

(a) The plumbing standards for the plumbing examination shall be the standard of installation as described in OAC 158:30-1-4.

(b) Any previously certified examination may be used to meet an examination requirement pursuant to the Act and this Chapter.

(c) Examination for a plumber's license shall include, but not be limited to, written questions and drawings and/or charts.

(d) The maximum grade value of each part of the plumbing examination shall be 100 points. An examinee must make 75% or more on each part, to pass the examination.

(e) 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.

(f) 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. 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 (e) of this Section is applicable even if a journeyman license is obtained under this subsection.

(g) 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.

(h) Applicants for the plumbing contractor examination must be capable of reading English without assistance. A person who cannot meet this requirement may request a hearing before the Committee to request reasonable accommodations.

(i) Except as authorized by the Plumbing Examiners Committee, no person, other than examinees, shall be permitted in the examination area.

(j) Any applicant who violates exam procedures as determined by the examination provider, including but not limited to cheating, misrepresenting oneself as another, or inappropriate actions during an examination may be immediately notified and expelled from the examination. Furthermore, the applicant's exam will be considered invalid and the applicant will be disqualified from retaking the exam for a period of time no less than 30 days and no more than 365 days as determined by the Administrator of the Construction Industries Board.

(k) Applicants for the journeyman examination must be eighteen (18) years of age or older and have:

- (1) three (3) years of experience in the plumbing trade while employed by a licensed Plumbing contractor; or a combination of education and experience as provided for in (n) of this Section; or
- (2) equivalent verifiable three (3) years of experience in the plumbing trade while serving in the U.S. military; or
- (3) a verifiable out-of-state plumbing license which may expedite processing of the requirements or be considered for reciprocity under OAC 158:30-5-4 if there is a written reciprocity agreement with that state, the license is currently in good standing, and meets the qualifications in (k)(1) of this Section.

(l) Applicants for the contractors examination must meet the same requirements as applicants for the journeyman examination with an additional one (1) year of experience.

(m) Applicants for plumbing 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, or the rules in this Chapter, and must be comprised of plumbing work as defined in the Act and in this Chapter.

(n) The following may be substituted for a portion of the experience requirement in (k)(1) and (l) of this Section:

- (1) An associate degree or vocational diploma certifying completion of a formal plumbing educational program approved by the Committee, consisting of a minimum of

one thousand (1,000) classroom hours from a school approved by the Committee, may be substituted for two (2) years of experience.

(2) A vocational diploma certifying completion of a formal plumbing educational program approved by the Committee, consisting of a minimum of five hundred (500) classroom hours from a school approved by the Committee, may be substituted for one (1) year of experience.

(3) A vocational diploma certifying completion of a formal plumbing educational program approved by the Committee, consisting of a minimum of three hundred and seventy five (375) classroom hours from a school approved by the Committee, may be substituted for three-fourths (3/4) of a year, or nine months of experience.

(4) A vocational diploma certifying completion of a formal plumbing educational program approved by the Committee, consisting of a minimum of three hundred and thirty four (334) classroom hours from a school approved by the Committee, may be substituted for two-thirds (2/3) of a year, or eight months of experience.

(5) A vocational diploma certifying completion of a formal plumbing educational program approved by the Committee, consisting of a minimum of two hundred and fifty (250) classroom hours from a school approved by the Committee, may be substituted for one-half (1/2) year, or six months of experience.

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

(p) The fees for a license must be on deposit with the Administrator in advance of the examination.

(q) If the applicant fails to meet the minimum qualifications to take the examination, the application fee will be forfeited.

*[Source: Added at 19 Ok Reg 721, eff 1-22-02 (emergency); Added at 19 Ok Reg 1264, eff 5-28-02; Amended at 20 Ok Reg 2652, eff 7-26-03; Amended at 23 Ok Reg 1147, eff 3-29-06 (emergency); Amended at 23 Ok Reg 1213, eff 5-25-06; Amended at 23 Ok Reg 1147, eff 3-29-06 through 7-14-07 (emergency)<sup>1</sup>; Amended at 24 Ok Reg 2871, eff 8-25-07; Amended at 27 Ok Reg 2081, eff 7-11-10; Amended at 30 Ok Reg 1533 and 30 Ok Reg 2095, eff 7-11-13; Amended at 31 Ok Reg 899, eff 9-12-14; Amended at 32 Ok Reg 193, eff 11-3-14 (emergency); Amended at 32 Ok Reg 1616, eff 9-11-15; Amended at 34 Ok Reg 873, eff 10-1-17; Amended at 35 Ok Reg 917, eff 10-1-18]*

**EDITOR'S NOTE:** <sup>1</sup>This emergency action expired before being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last effective permanent text is reinstated. Therefore, on 7-15-07 (after the 7-14-07 expiration of the emergency action), the text of 158:30-9-1 reverted back to the permanent text that became effective 5-25-06, as was last published in the 2006 Edition of the OAC, and remained as such until amended again by permanent action on 8-25-07.

### **158:30-9-1.1. Acceptance of Military education, training and experience toward qualification for licensure examination**

(a) **Licensure –military service.** See OAC 158:1-3-10 for provisions related to the application of substantially equivalent education, training, and experience completed as a member of the Armed Forces or Reserves of the United States, National Guard of any jurisdiction, the Military Reserves of any jurisdiction, or the Naval Militias of any jurisdiction toward satisfying the qualifications for examination and license or registration issuance.

(b) **Military spouse applicant.** See OAC 158:1-3-10 for provisions related to issuance of a license or registration in an equivalent category for the spouse of an active-duty member of the Armed Forces or Reserves of the United States.

*[Source: Added at 32 Ok Reg 1616, eff 9-11-15; Amended at 37 Ok Reg 1051, eff 10-1-20]*

**158:30-9-1.2. Expediting issuances of license to military spouse**

See OAC 158:1-3-11 for provisions related the Board expediting the issuance of a license for spouses of certain members of the Armed Forces on active duty in this State.

*[Source: Added at 32 Ok Reg 1616, eff 9-11-15]*

**158:30-9-1.3. Renewals for licensee - post-military service**

See OAC 158:1-3-12 for provisions related to license renewal while a licensee holder is a member of the Armed Forces of the United States on active duty, and for provisions related to a licensee whose license expires while on active duty as a member of the National Guard or reserve component of the Armed Forces.

*[Source: Added at 32 Ok Reg 1616, eff 9-11-15]*

**158:30-9-1.4. Exam equivalency**

(a) A plumbing journeyman or contractor from a state without an Oklahoma reciprocal agreement or statewide licensing who is seeking Oklahoma licensure may be eligible for exam equivalency in the category of the home state license or local jurisdiction license. If exam equivalency is approved by the Board, an applicant for a journeyman license will not be required to take the Oklahoma journeyman license exam and the applicant for a contractor license will not be required to take the technical trade section of the Oklahoma contractor license exam. The applicant for the contractor exam will still be required to take and pass the Oklahoma business and law section of the contractor exam and all applicants will need to meet all other licensure requirements under Oklahoma law.

(b) Prior to an individual applying for exam equivalency, the Board must have previously approved the jurisdiction's exam for equivalency. An exam will be reviewed by the Committee and recommended to the Board if the exam is deemed to be substantially similar. Upon approval of exam equivalency by the Board, the individual applicant must:

- (1) Complete the application form.
- (2) Provide a certified letter from the current jurisdiction in which he or she is license through examination stating:
  - (A) he or she is currently licensed and in good standing,
  - (B) the category name of the license,
  - (C) he or she passed the licensing exam with a 70% or higher, and
  - (D) no disciplinary actions are pending.
- (3) Meet all other requirements under Oklahoma law for licensure.

*[Source: Added at 36 Ok Reg 1409, eff 10-1-19]*

**158:30-9-2. Fee schedule for contractors, journeymen, and apprentices**

(a) **Examination fees for contractors and journeyman.** The Construction Industries Board, or its designated representative, may collect for the actual cost of any examination provided by this Chapter. The cost for each such examination referenced in OAC 158:30-9-1 shall be posted in plain view at the testing site that provides and administers the examination. Every person whose application for examination is approved shall be informed of the specific fee prior to setting for the examination. The unit testing fee shall be the amount negotiated by the

Administrator in accordance with the provisions of the Oklahoma Central Purchasing Act, but cannot exceed the maximum allowable fee provided in 59 O.S. § 1000.5(A)(2). Documentation confirming the contractual fee shall be available upon request.

**(b) Licensing, registration and application fee schedule for contractors, journeyman, and apprentices.** The licensure, application, registration and annual renewal fees shall be as follows:

- (1) contractors application - \$30.00
- (2) initial contractor license - \$300.00
- (3) renewal contractor license - \$200.00
- (4) renewal contractor late fee - \$100.00
- (5) journeyman application - \$25.00
- (6) initial journeyman license - \$50.00
- (7) renewal journeyman license - \$75.00
- (8) renewal journeyman late fee - \$25.00
- (9) apprentice application - \$5.00
- (10) apprentice registration - \$20.00

**(c) One time low-income fee waiver.** See OAC 158:1-3-13(c) regarding eligibility on a one-time, one-year fee waiver.

*[Source: Added at 19 Ok Reg 721, eff 1-22-02 (emergency); Added at 19 Ok Reg 1264, eff 5-28-02; Amended at 20 Ok Reg 221, eff 10-22-02 through 7-14-03 (emergency)]; Amended at 20 Ok Reg 2652, eff 7-26-03; Amended at 21 Ok Reg 491, eff 11-14-03 (emergency); Amended at 21 Ok Reg 761, eff 4-26-04; Amended at 26 Ok Reg 2451, eff 7-11-09; Amended at 27 Ok Reg 2081, eff 7-11-10; Amended at 31 Ok Reg 899, eff 9-12-14; Amended at 32 Ok Reg 1616, eff 9-11-15; Amended at 37 Ok Reg 1051, eff 10-1-20]*

**EDITOR'S NOTE:** *<sup>1</sup>This emergency action expired before being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last prior permanent text is reinstated. Therefore, on 7-15-03 (after the 7-14-03 expiration of the emergency action), the text of Section 158:30-9-2 reverted back to the permanent text that became effective 5-28-02, as was last published in the 2002 OAC Supplement, and remained as such until amended by permanent action on 7-26-03.*

### **158:30-9-3. Duration of licenses**

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

(b) Before any license may be renewed, all applicable continuing education requirements must be met.

(c) Any license issued by examination may be renewed by submitting the renewal application and the license fee for the next year by check or money order, or other payment method as provided, which must be delivered or mailed on or before the birth month expiration date.

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

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

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

*[Source: Added at 19 Ok Reg 721, eff 1-22-02 (emergency); Added at 19 Ok Reg 1264, eff 5-28-02; Amended at 20 Ok Reg 2652, eff 7-26-03; Amended at 21 Ok Reg 491, eff 11-14-03 (emergency); Amended at 21 Ok Reg 761, eff 4-26-04; Amended at 27 Ok Reg 2081, eff 7-11-10; Amended at 30 Ok Reg 1533, eff 7-11-13; Amended at 31 Ok Reg 899, eff 9-12-14; Amended at 32 Ok Reg 1616, eff 9-11-15; Amended at 34 Ok Reg 873, eff 10-1-17]*

**158:30-9-4. Continuing Education****(a) Continuing education requirements.**

(1) No contractor or journeyman license shall be renewed unless the licensee has completed at least six (6) hours of continuing education ("CE") every three (3) years or thirty-six (36) months preceding the license expiration date. The continuing education course and instructor shall be approved in advance by the Committee. Exceptions to advance approval, or post-course approval, may be allowed by the Committee, or its designee, for substitute instructors in emergency situations when written notice of the emergency is provided to the Committee or its designee within seven (7) days of the course. The continuing education material shall cover codes and revisions adopted by the OUBCC and/or other trade related subject matters appropriate for topics of continuing education for licensees and approved by the Committee including: examination materials, manufacturers' installation of equipment or parts, the licensing Act, the trade regulations as set forth in this Chapter as well as the rules of the Construction Industries Board in OAC 158:10, and other trade or safety related subject matters approved by the Committee.

(2) If a license expires before the licensee completes the CE requirement, any CE that is completed while the license is expired will be applied to the CE requirement for the thirty-six (36) months preceding the date the license expired. Six (6) hours of CE will still have to be completed in order to meet the CE requirement for the subsequent thirty-six (36) month period.

(3) Credit will be given for CE programs including correspondence and online courses approved by the Plumbing Examiners Committee or its designee.

(4) Except as provided herein this Section shall apply to every journeyman or contractor licensed by the Construction Industries Board.

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

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

(1) The program must be offered by a provider having substantial, recent experience in offering continuing education or demonstrated ability to organize and present effectively continuing education. Demonstrated ability arises partly from the extent to which individuals with trade training or educational experience are involved in the planning, instruction and supervision of the program.

(2) If written materials are provided, the materials must be thorough, high quality, readable, and must be made available to all participants at or before the time the course is presented.

(3) The program must be conducted in a comfortable physical setting which is conducive to learning.

(4) The program itself must be conducted by an individual or group qualified by practical or academic experience. The program including the named advertised participants must be conducted substantially as approved, including lunch and breaks shown on the approved agenda, subject to emergency withdrawals and alterations.

(5) Changes including but not limited to location, date, instructors, or cancellations must be requested from the Committee or its designee in writing prior to the start of class. All requests for change must include the Course ID number.

(6) The training location shall be outside the regular work place or after regular

working hours.

(7) A credit hour is at least fifty (50) minutes of instruction with a ten (10) minute break.

(8) CE courses shall be presented in one of the following formats:

(A) Six (6) credit hours presented on one (1) day

(B) Two sessions of three (3) credit hours each presented within a seven (7) day period

(C) One (1) session of two (2) credit hours for the purposes of presenting a manufacturers' installation course,

(D) An approved correspondence or online course, or

(E) Another format approved by the Committee.

(9) Verification of Credit.

(A) The Course Provider shall verify the total number of continuing education hours completed by each attendee.

(B) Continuing education providers shall require attendees to present a photo I.D. prior to the attendee signing the sign-in sheet provided by the Construction Industries Board. Sign-in sheets shall include the name and license number of each licensee in attendance.

(C) As soon as practicable but in any event on or before seven (7) days following an approved education program, the provider shall furnish to the Plumbing License Unit the original sign-in sheets from the course.

(D) Providers must maintain copies of all sign-in sheets for a period of two (2) years following the conclusion of the course.

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

(c) Any organization desiring approval of a course shall apply to the Plumbing Examiners Committee by submitting an application on a form to be obtained from the Construction Industries Board and supporting documentation at least fifteen (15) days prior to the date of the Regular meeting of the Committee from which the organization wants the course to be considered for approval, and at least thirty (30) days prior to the date for which the course is scheduled. An application is to be submitted for each date or set of dates that constitute a single class. Each class must be included on a separate application. The Committee or its designee will review each application for completeness of form and supporting documentation as well as course content. The applicant will be notified in writing by mail whether the program is approved or disapproved. Applicants denied approval of a course may appeal such a decision by submitting a letter of appeal to the Committee within fifteen (15) days of the receipt of the notice of disapproval. All appeals will be heard by the Committee at its next regularly scheduled meeting.

(1) Supporting documentation includes:

(A) resumes or a brief summary of qualifications for all instructors providing instruction for the class,

(B) a class agenda designating beginning and ending of actual instructional times, sign-in times, breaks, lunches and evaluation time, and

(C) A class curriculum indicating the subject or code areas to be taught with sufficient detail to determine which code revisions are to be addressed or the product for which the installation education is being provided.



- (2) The Committee or its designee may refuse to accept any application for approval if the supporting documentation is insufficient or incomplete. The Committee may deny or revoke approval of an application for any of the following reasons:
    - (A) Failure to comply with the continuing education provisions;
    - (B) Inadequate application or supporting documentation;
    - (C) Failure to instruct on the topic approved, or
    - (D) Unsatisfactory assessments of the course, instructor, or materials from previous classes.
  - (3) If an application is refused or disapproved, written notice detailing the basis of the decision shall be provided to the applicant.
  - (4) The Committee may at any time reconsider and grant or revoke approval of an application or course.
    - (A) The Committee may at any time review courses for quality in instruction. The Committee shall also investigate and take appropriate action, up to and including revocation of authority to provide CE, regarding complaints involving approved courses.
    - (B) A provider's failure to comply with the provisions of this Section constitutes grounds for disciplinary action, up to and including revocation of authority to provide CE, against the provider or for denial of future applications for coursework.
  - (5) Approval of any course, including a correspondence or online course, is rescinded upon the adoption of a different statewide code and a new application showing updated course subject matter and materials is necessary in order to obtain updated course approval.
- (d) **Course advertisement.**
- (1) All advertising must include the course identification number.
  - (2) Approved program courses may be advertised.
  - (3) The provider of an approved continuing education program may announce or indicate as follows: Course # \_\_\_\_\_ has been approved by the Construction Industries Board Plumbing Examiners Committee for \_\_\_\_\_ hours of CE credit.
- (e) **Correspondence or online course approval.**
- (1) Entities seeking to offer correspondence courses for continuing education shall submit a course curriculum and study material for review and approval by the Committee prior to the courses being offered as continuing education. Approved correspondence courses shall be required to comply with all requirements for other continuing education courses except for sign-in sheets. Providers shall provide a student with a document of completion which certifies completion of approved correspondence courses.
  - (2) Providers seeking to offer online courses for continuing education shall submit a course curriculum and study material for review and approval by the Committee prior to the courses being offered as continuing education. An access code and password shall be provided to the Committee, or its designee, for an online course for the purpose of review and approval. Providers of an on-line course shall submit verification of six (6) hours of real time on-line instruction. Correspondence or online courses shall have sufficient explanation and or graphics to expound the concepts being taught. The format of the online course shall be constructed so as to elicit interaction between the student and the material presented. Each page of text shall be designed with a question that must be answered before advancing to the next page or a test at the end of a subject matter before

the course is considered complete. Providers shall provide a student with a document of completion that shall certify completion of an approved online course.

(3) Applications for correspondence or online courses shall be resubmitted annually, from date of approval, for review and approval.

(f) **Alternate Credit accrual.**

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

(2) Credit may also be earned through teaching a course in an accredited trade school or a trade-specific program approved by the Committee. The Committee may award up to six (6) hours of CE credit for each semester of academic credit awarded by the academic institution for the course.

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

(g) **Complaint procedure.**

(1) A person, government, or private organization may submit a written complaint to the Committee, or its designee, charging a provider of continuing education with a violation of this Section, and specifying the grounds for the complaint.

(2) Complaints must be in writing and include contact information, and shall be filed on the proper complaint form prescribed by the Construction Industries Board, or its designee.

(3) The Committee may consider an unsigned or anonymous complaint for further investigation.

(4) Upon receipt of a signed complaint form, a copy shall be sent to the continuing education provider addressed in the complaint. The continuing education provider shall provide a written response within fifteen (15) days. Upon receipt of the continuing education provider's written response, both complaint and response shall be considered by the Committee, or its designee, for appropriate action including dismissal of the complaint, further investigation, or a finding of violation of the Act or this Chapter. The Committee, or its designee, shall notify both complainant and continuing education provider of the determination made by the Committee. Failure of the continuing education provider to respond will be considered as a violation of this Section.

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

*[Source: Added at 21 Ok Reg 491, eff 11-14-03 (emergency); Added at 21 Ok Reg 761, eff 4-26-04; Amended at 25 Ok Reg 1856, eff 6-26-08; Amended at 26 Ok Reg 2451, eff 7-11-09; Amended at 30 Ok Reg 771, eff 10-22-12 (emergency); Amended at 30 Ok Reg 1533, eff 7-11-13; Editor's Notice published at 30 Ok Reg 2095, eff 7-11-13; Amended at 31 Ok Reg 899, eff 9-12-14; Amended at 32 Ok Reg 1616, eff 9-11-15; Amended at 34 Ok Reg 873, eff 10-1-17; Amended at 36 Ok Reg 1409, eff 10-1-19]*

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

### **158:30-11-1. License revocation or suspension**

- (a) The employment and use of unlicensed individuals as journeymen plumbers, the employment and use of individuals as apprentices without registration, or cheating may be considered justification to suspend or revoke said plumbing contractor's license based upon illegal use of license.
- (b) The repeated violation of any of the rules in this Chapter or any provision of the Act, or the violation of a multiple of any of the rules in this Chapter or provision of the Act, may be considered justification to suspend or revoke the licensee's license or registration.

*[Source: Added at 19 Ok Reg 721, eff 1-22-02 (emergency); Added at 19 Ok Reg 1264, eff 5-28-02; Amended at 20 Ok Reg 2652, eff 7-26-03; Amended at 32 Ok Reg 1616, eff 9-11-15]*

### **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.
- (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.

*[Source: Added at 19 Ok Reg 721, eff 1-22-02 (emergency); Added at 19 Ok Reg 1264, eff 5-28-02; Amended at 20 Ok Reg 2652, eff 7-26-03; Amended at 21 Ok Reg 491, eff 11-14-03 (emergency); Amended at 21 Ok Reg 761, eff 4-26-04; Amended at 32 Ok Reg 1616 eff 9-11-15; Amended at 37 Ok 1052, eff 10-1-20; Amended at 41 Ok Reg 1746, eff 10-1-24]*

## **SUBCHAPTER 13. PROCEDURE OF THE VARIANCE AND APPEALS BOARDS, PLAN REVIEW APPLICATIONS AND FEES, CODE VARIANCE APPLICATIONS AND FEE, AND CODE INTERPRETATION APPEALS**

### **158:30-13-1. Plan review applications and fees**

- (a) Applications for the review of plans and specifications to ensure conformance with State adopted installation codes may be submitted in writing to the Construction Industries Board. An application and the appropriate filing fee shall accompany the construction plans and specifications submitted for plan review. Plan review shall only be conducted for construction projects where a city or town has not adopted a trade installation code by ordinance that is more stringent than the standard of installation as described in OAC 158:30-1-4. Applications shall only be reviewed if submitted prior to the bid dates for the project.
- (b) The Board will advise the applicant through its liaison if the application is determined to be incomplete in order for the applicant to re-submit a complete plan review application.
- (c) The plan review fee for:
- (1) plumbing plans and specifications shall be \$75.00;
  - (2) plumbing and electrical or mechanical plans and specifications shall be \$150.00;
  - (3) plumbing, electrical, and mechanical plans and specifications shall be \$200.00.
  - (4) If electrical, plumbing, and mechanical review is required, the fees will be equally distributed among the three trades.
- (d) Plan review is not required but is a service provided by the Board to assist with code compliance.

*[Source: Added at 19 Ok Reg 721, eff 1-22-02 (emergency); Added at 19 Ok Reg 1264, eff 5-28-02; Amended at 31 Ok Reg 899, eff 9-12-14; Amended at 32 Ok Reg 1616, eff 9-11-15]*

### **158:30-13-2. Procedures of the Variance and Appeals Board**

The Administrator shall call a meeting of the Variance and Appeals Board after the Administrator receives proper application for a variance accompanied by the fifty dollar (\$50.00) filing fee or receives proper notice of an appeal of the Administrator's interpretation of the standard of installation as described in OAC 158:30-1-4, as applied to a particular installation. Variance and Appeals Board meetings are held in the principal offices of the Construction Industries Board referenced at OAC 158:1-3-1 or at another location named by the Administrator. The Variance and Appeals Board shall comply with the Oklahoma Open Meetings Act.

*[Source: Added at 19 Ok Reg 721, eff 1-22-02 (emergency); Added at 19 Ok Reg 1264, eff 5-28-02; Amended at 23 Ok Reg 1213, eff 5-25-06; Amended at 31 Ok Reg 899, eff 9-12-14]*

### **158:30-13-3. Code variance applications and fee**

- (a) Applications for a variance from the standard of installation as described in OAC 158:30-1-4 shall be submitted to the Administrator. An application provided by the Administrator and the fifty-dollar (\$50.00) filing fee shall accompany sufficient technical data submitted to support the proposed variance. Applications submitted after the use of materials or methods of construction not in conformance with the standard of installation as described in OAC 158:30-1-4 that are relevant to the application, or submitted where a city or town has adopted a more stringent plumbing installation code by ordinance, shall not be considered by the Variance and Appeals Board.

(b) The applicant and the Administrator or the Administrator's designee may offer testimony to the Variance and Appeals Board which is relevant to the code variance requested. If testimony will be offered to support the application, the applicant shall include in the application the identity of the applicant's witnesses by name, profession or occupation, address and telephone number, and a concise summary of the expected testimony of each witness. If the Administrator or the Administrator's designee contests the application, and will offer testimony to rebut the application, the Administrator or the Administrator's designee will provide the applicant with the identity of the Administrator's or the Administrator's designee's witnesses by name, profession or occupation, address and telephone number, and a concise summary of the expected testimony of each witness.

*[Source: Added at 19 Ok Reg 721, eff 1-22-02 (emergency); Added at 19 Ok Reg 1264, eff 5-28-02; Amended at 23 Ok Reg 1213, eff 5-25-06; Amended at 31 Ok Reg 899, eff 9-12-14]*

#### **158:30-13-4. Code interpretation appeals**

A plumbing contractor, or any party who has an ownership interest in or who is in responsible charge of the design of or work on the plumbing installation, may appeal the Administrator's interpretation of the standard of installation as described in OAC 158:30-1-4 as applied during the Administrator's review of plumbing plans and specifications or inspection of the plumbing installation to the Variance and Appeals Board created pursuant to 59 O.S. § 1021.1. Such appeals shall be made in writing to the Administrator within fourteen days after the Administrator's code interpretation or receipt of written notice of the alleged code violation by the licensed plumbing contractor, and shall be heard only if based on a claim that:

- (1) the true intent of the installation code has been incorrectly interpreted;
- (2) the provisions of the code do not fully apply; or
- (3) an equal or better form of installation is proposed.

*[Source: Added at 19 Ok Reg 721, eff 1-22-02 (emergency); Added at 19 Ok Reg 1264, eff 5-28-02; Amended at 31 Ok Reg 899, eff 9-12-14; Amended at 32 Ok Reg 1616, eff 9-11-15]*