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## **Title 158 - Construction Industries Board**

### **Chapter 30 - Plumbing Industry Regulations**

<b>Subchapter 1</b>	<b>General Provisions</b>
<b>Subchapter 3</b>	<b>Procedures of the Committee and Hearing Board</b>
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<b>Subchapter 11</b>	<b>License Revocation or Suspension and Prohibited Acts</b>
<b>Subchapter 13</b>	<b>Procedure of the Variance and Appeals Boards, Plan Review Applications and Fees, Code Variance Applications and Fee, and Code Interpretation Appeals</b>

[Authority: 59 O.S., § 1000.4]

[Source: Codified 5/28/02]

#### **Subchapter 1 - General Provisions**

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

The rules in this Chapter implement the Plumbing Licensing Law, Title 59 O.S., Section 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]

##### **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 59O.S.§ 1001 et seq.

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

"**Applicant**" means any person applying for an examination, for a license or registration, for review of plans and specifications or for a plumbing code variance from the current, published edition of the code of plumbing regulations endorsed by the International Code Council (ICC) by the Board under the Act.

"**Board**" means the Oklahoma Construction Industries Board.

"**Bonds and Insurance Unit**" means the consolidated unit that processes bonds, insurance, and citations 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.

"**Direct supervision**" means the on-the-job presence by the supervisor who must be a licensed plumbing contractor or plumbing journeyman.

"**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.

"**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.

"**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;

(F) sewer cleaning-house sewer maintenance; and,

(G) automatic sprinkler systems which do not comply with Section 1017, paragraph D, of the Oklahoma State Plumbing License Law.

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

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

**"Variance"** means the use of an alternative material or method of construction from that prescribed in the current, published edition of the code of plumbing regulations endorsed by the International Plumbing Code 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.

[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]

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

No person, on behalf of himself 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 these rules.

[Source: Added at 19 Ok Reg 721, eff 1-22-02 (emergency); Added at 19 Ok Reg 1264, eff 5-28-02]

### **158:30-1-4. Standard of installation**

The Construction Industries Board hereby incorporates the International Plumbing Code/2006, 2006 International Fuel Gas Code, and the plumbing portion of the 2006 International Residential Code as the minimum standard for the installation of plumbing in Oklahoma where no ordinance or regulation of a governmental subdivision applies.

[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]

## **Subchapter 3 - Procedures of the Committee and Hearing Board**

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

The Committee of Plumbing Examiners (the "Committee") shall serve the Board in an advisory capacity, formulate rules pursuant to the Plumbing License Law of 1955, and to assist and advise the Administrator on the examination of applicants for licenses as journeyman plumber and/or plumbing contractor, in accordance with these rules and the

terms and conditions of the law. The Committee shall make up a part of the State Plumbing Hearing Board.

(1) The Committee of Plumbing Examiners (the "Committee") shall meet at least twice each year. The Committee shall give open meeting notices. The Board shall notify all examination applicants by direct mail of the dates and times of examinations.

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

(3) The only formal procedure available to the public is to apply for a plumbing license. This shall be done by filling out an application for examination with the Administrator at Oklahoma Construction Industries Board, Oklahoma City, Oklahoma address. The application form shall be 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 Title 59 O.S. 1981, Section 1007, and are available at the offices of the Board.

(5) All rules and policy statements and interpretations of policy and results of examinations shall be available on request from the Board. Copies shall be priced as determined by rule of the Oklahoma Construction Industries Board.

(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]

### **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 these Rules. The Hearing Board, comprised of the Administrator and the Committee, shall follow the Rules of Practice and Procedure of the Oklahoma Construction Industries Board.

(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 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]

## **Subchapter 5 - License Types, Bond Requirements, and Display of License Number and Firm Name**

### **158:30-5-1. License types**

#### **(a) Apprentice plumber.**

(1) Apprentice plumbers must be under the direct supervision of a licensed plumber when engaged in plumbing.

(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.

(b) **Journeyman plumber.**

(1) To engage in the act of plumbing, a journeyman plumber must be employed by a licensed plumbing contractor.

(2) A journeyman shall not contract or furnish labor and/or labor and materials.

(c) **Plumbing contractor.** Plumbing contractors must notify their surety of any municipalities wherein plumbing work will be performed.

[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]

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

(a) Unless as otherwise provided in 158:30-5-2(b) below: Each active plumbing contractor must maintain a five thousand dollar (\$5,000.00) corporate surety bond, payable to the Board, and must cause the surety to deposit a copy of such bond with the Plumbing Licensing Unit and with each municipality in which the bonded plumbing contractor proposes to commence plumbing work.

(b) An active plumbing contractor may satisfy the requirements of 158:30-5-2(a) above by depositing with the Plumbing Licensing Unit, either the sum of \$5,000 cash, or a certificate of deposit in the sum of \$5000 payable to the order of the Plumbing Licensing Revolving Fund.

(c) Failure to maintain a corporate surety bond in effect shall constitute grounds for summary suspension 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. Sureties must notify each municipality furnished with a copy of the bond regarding the pending cancellation if known to them.

(e) The Board shall notify the surety of the summary suspension or revocation of the license of any of its bonded licensed plumbing contractors.

(f) A bond or other surety filed in accordance with 158:30-5-3(a) 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 these Rules.

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

(g) **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 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 inactive 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.

(h) **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 certificate shall include a 30-day cancellation notice to the Board.

**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 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]

**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. The application shall include all documentation necessary to show the applicant meets the requirements established by these rules. 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 these rules and in 59 O.S. Supp. 2002, § 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 an application and licensing fee of \$ 75. If the person is applying for a plumbing contractor license, the person must pay an application and licensing fee of \$225. 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 is 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 experience commercial/industrial work required by the other State is substantially the same or equivalent to the Board's requirements;

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

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

(E) 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 rule 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 subsection (d) of this rule.

(3) That the applicant is currently licensed by a State that meets the requirements of Section 1 of this rule and that one 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 rule 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]

## **Subchapter 9 - Examination Procedures, License and Registration Fees and Duration of Licenses**

### **158:30-9-1. Examination procedures**

(a) The plumbing standards for the plumbing examination shall be the International Plumbing Code as adopted in 158:30-1-4.

(b) Any previously certified examination may be used to meet an examination requirement.

(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 70% or more on each part, above, to pass the examination.
- (e) Attendance at an approved technical school with specialization in the plumbing skills may be substituted for experience or employment on an equal time basis. Substitution of education for experience shall be limited to a maximum of one half the experience requirement. Applicants must present to the Administrator for approval records of schools attended, grades and/or certificates of completion if education is to be substituted for experience.
- (f) 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.
- (g) Except as authorized by the Plumbing Examining Committee, no person, other than examinees, shall be permitted in the examination area.
- (h) An examinee who is caught cheating during the course of an examination shall be deemed to have failed the examination.
- (i) Applicants for the journeyman examination must be eighteen (18) years of age or older and have three (3) years experience in the plumbing trade.
- (j) Applicants for the contractors examination must be eighteen (18) years of age or older and have four (4) years experience in the plumbing trade.
- (k) The fees for both examination and license must be on deposit with the Administrator in advance of the examination.
- (l) If the applicant fails to meet the minimum qualifications to take the examination, the application fee will be forfeited.
- (m) Applicants failing to appear for their examination on the date scheduled shall forfeit the examination fee unless notification is received by the Administrator at least 24 hours prior to examination date.

[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]

**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 these rules. The cost for each such examination referenced in section 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, and registration fees shall be annually as follows:
- (1) contractors application - \$25.00
  - (2) initial contractor license - \$200.00

- (3) renewal contractor license - \$150.00
- (4) renewal contractor late fee - \$300.00
- (5) journeyman application - \$25.00
- (6) initial journeyman license - \$50.00
- (7) renewal journeyman license - \$50.00
- (8) renewal journeyman late fee - \$100.00
- (9) apprentice application - \$10.00
- (10) apprentice registration - \$20.00

(c) **Conversion to birth date renewal proration schedule.** Beginning July 1, 2004 in the Licensing period of 2004-2005 and for a period of one year only, licenses will be prorated as follows:

(1) Journeymen license holders with a birth date in the months from July through December will pay a regular renewal fee of \$50.00 plus \$4.16667 (rounded up to the nearest whole cent) for each month (August, September, October, November, December) or 1/12 of a full renewal fee until the birth month of the licensee. This period of prorated fees will extend the duration of the license until the birth month of the license holder in the year of 2005.

(2) Journeymen License holders with birth dates in the months of January 2005 through June 2005 will pay \$4.16667 (rounded up to the nearest whole cent) each month or 1/12 of full renewal, until their next birth month (January, February, March, April, May, June) at which time they will pay a full fee to renew their license for a period of one year.

(3) Contractor license holders with a birth date in the months from July through December will pay a regular renewal fee of \$150.00 plus \$12.50 for each month (August, September, October, November, December) or 1/12 of a full renewal fee until the birth month of the licensee. This period of prorated fees will extend the duration of the license until the birth month of the license holder in the year of 2005.

(4) Contractor License holders with birth dates in the months of January 2005 through June 2005 will pay \$12.50 for each month or 1/12 of full renewal, until their next birth month (January, February, March, April, May, June) at which time they will pay a full fee to renew their license for a period of one year.

[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]

*EDITOR'S NOTE: 'This emergency action expired without 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, the text of Section 158:30-9-2 reverted back to the permanent text that became effective 5-28-02 (as was published in the 2002 Supplement to the OAC), and remained as such until the next permanent action took effect on 7-26-03.*

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

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

(b) Any license issued by examination may be renewed by submitting the license fee for the next year by a check or money order and be mailed on or before the birth month expiration date.

- (c) An expired license issued by examination may be reinstated if: The license fee is submitted within one (1) year after the license expired, and is accompanied by a late fee.
- (d) 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 year from the day of surrender.
- (e) A license cannot be renewed until the licensee has paid any and all outstanding fines due and owing to any department 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]

#### **158:30-9-4. Continuing education**

(a) **Continuing education hours.** For the license year beginning July 1, 2005, no plumbing contractor or journeyman license shall be renewed unless the licensee has completed at least six (6) hours of continuing education within one (1) year of adoption of the current, published revisions of the International Plumbing Code, International Fuel Gas Code, and International Residential Code. At least four (4) hours must consist of training on the revisions of the International Plumbing Code, International Fuel Gas Code, and International Residential Code. Not more than two (2) hours of continuing education may consist of manufacturer provided training in the installation of equipment or parts.

(b) **Continuing education course approval.** Entities seeking to offer continuing education courses to licensees must submit an application for approval to the Plumbing Licensing Unit prior to beginning instruction. The application shall include an outline or other synopsis of the subject matter for each unit of instruction, and a list of the course instructors with their qualifications. Upon recommendation of the Committee and approval by the Board, notice of the course approval will be sent to the applying entity. Licensees shall not receive credit for attending courses that have not been approved by the Board prior to the beginning of the course. All courses shall be presented as approved unless changes are submitted to the Plumbing Licensing Unit for consideration prior to the beginning of the course. Failure to obtain approval of changes may result in the loss of continuing education approval. After completion of the course, the entity shall submit sign-in sheets for all sessions. The sign-in sheets shall contain the signature and state plumbing license number of each person in attendance. The entity shall verify the total number of continuing education hours completed by each attendee. Continuing education providers shall require attendees to present a photo I.D. prior to the attendee signing the sign-in sheet. The Board may approve continuing education earned outside of Oklahoma if the course is approved by another state for continuing education in that state.

(c) **Approval requirements for continuing education.** All continuing education providers shall abide by the following requirements:

- (1) Materials and information presented shall pertain to the use of the current adopted International Plumbing Code, International Fuel Gas Code, and International Residential Code or shall be manufacturer provided training in the installation of equipment or parts.
- (2) All courses shall be at least two (2) hours in length.

(3) The training location shall be outside the regular work place or after regular working hours.

(4) All attendees shall complete a course evaluation on a form provided by the Board. The entity shall return the completed evaluation forms to the Board with the sign-in sheets.

(d) **Correspondence course approval.** Entities seeking to offer correspondence courses for continuing education shall submit a course curriculum and study material for review by the Committee and approval by the Board prior to the courses being accepted as continuing education. Approved correspondence courses shall be required to comply with all requirements for other continuing education courses except for sign-in sheets. Providing a student with a document of completion shall certify completion of approved correspondence courses.

[Source: Added at 21 Ok Reg 491, eff 11-14-03 (emergency); Added at 21 Ok Reg 761, eff 4-26-04]

## **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 these rules or any provision of the Act, or the violation of a multiple of any of these rules 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]

### **158:30-11-2. Prohibited acts**

(a) No person, entity, or firm may perform plumbing work without first obtaining the appropriate license or registration pursuant to these Rules.

(b) No person shall offer to engage in work as a plumber during the period his 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 these Rules, shall enter into an agreement for the use of his license with any firm or person which is, or has been adjudicated to be, in violation of any provision of the Act, or whose license is currently suspended or has within the last year been revoked, unless or until otherwise approved by the Board.

(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.

[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]

### **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 may only be conducted for construction projects where a city or town has not adopted a nationally recognized, trade installation code by ordinance. 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]

#### **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 Board's interpretation of the current, published edition of the code of plumbing regulations endorsed by the International Plumbing Code as applied to a particular installation. Variance and Appeals Board meetings are held in the principal offices of the Construction Industries Board referenced at 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]

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

(a) Applications for a variance from the current, published edition of the code of plumbing regulations endorsed by the International Code Council (ICC) by an

Oklahoma-licensed plumber 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 current, published edition of the code of plumbing regulations endorsed by the International Plumbing Code that are relevant to the application, or submitted where a city or town has adopted a nationally recognized, plumbing installation code by ordinance, shall not be considered by the Variance and Appeals Board.

(b) The applicant and the Administrator 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 contests the application, and will offer testimony to rebut the application, the Administrator will provide the applicant with the identity of the Administrator'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]

#### **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 current, published edition of the code of plumbing regulations endorsed by the International Code Council (ICC) as applied during the Administrator's review of plumbing plans and specifications or inspection of the plumbing installation to the Variance and Appeals Board. 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]