

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 55th Legislature (2016)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2622

By: Osborn of the House

and

Justice of the Senate

8
9 COMMITTEE SUBSTITUTE

10 An Act relating to alternative fuels; amending 74
11 O.S. 2011, Sections 130.14, as renumbered by Section
12 18, Chapter 328, O.S.L. 2014 and as last amended by
13 Section 2, Chapter 181, O.S.L. 2015, 130.16, as
14 renumbered by Section 20, Chapter 328, O.S.L. 2014
15 and as last amended by Section 4, Chapter 181, O.S.L.
16 2015 and 130.17, as renumbered by Section 21, Chapter
17 328, O.S.L. 2014 and as last amended by Section 5,
18 Chapter 181, O.S.L. 2015 (40 O.S. Supp. 2015,
19 Sections 142.6, 142.8 and 142.9), which relate to the
20 Alternative Fuels Technician Certification Act;
21 changing selection criteria for certain member of the
22 Committee of Alternative Fuels Technician Examiners;
23 modifying duties of certain officer to the Committee;
24 authorizing the Department of Labor to issue an
alternative fuels compression trainee certificate;
limiting employment of a trainee; requiring trainee
to work under the direct supervision of a certain
technician; limiting the number of trainees working
with a technician or on a job site; allowing a
trainee to engage in certain licensed categories
under certain conditions; adding fee for certain
certificate and certificate renewal; modifying fee
for annual renewal of certain certification; and
declaring an emergency.

1 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

2 SECTION 1. AMENDATORY 74 O.S. 2011, Section 130.14, as
3 renumbered by Section 18, Chapter 328, O.S.L. 2014 and as last
4 amended by Section 2, Chapter 181, O.S.L. 2015 (40 O.S. Supp. 2015,
5 Section 142.6), is amended to read as follows:

6 Section 142.6 A. There is hereby established the Committee of
7 Alternative Fuels Technician Examiners which shall consist of eight
8 (8) members. All members of the Committee shall be residents of
9 this state.

10 B. Five voting members of the Committee shall be appointed by
11 the Commissioner of Labor as follows:

12 1. Three members shall be alternative fuels technicians
13 selected from a list of names submitted by the State Board of Career
14 and Technology Education, with at least one member being an
15 alternative fuels equipment technician and at least one member being
16 an alternative fuels compression technician;

17 2. One member shall be a person involved in compressed natural
18 gas technology in an oil and/or gas industry; and

19 3. One member shall be a person involved in liquefied petroleum
20 gas technology in an oil and/or gas industry.

21 C. Two additional voting members shall be appointed by the
22 Commissioner of Labor, one of whom shall be ~~selected from a list of~~
23 ~~names submitted by the State Board of Career and Technology~~
24 ~~Education and shall be~~ an electric vehicle technician, and one of

1 whom shall be a person involved in manufacturing, conversion, or
2 research in the electric vehicle industry.

3 D. All members shall each have at least two (2) years of active
4 experience in alternative fuels technology. The terms of the voting
5 members initially appointed to the Committee shall be staggered as
6 follows:

7 1. One alternative fuels technician shall be appointed for a
8 term of two (2) years;

9 2. One alternative fuels technician shall be appointed for a
10 term of three (3) years;

11 3. One alternative fuels technician shall be appointed for a
12 term of four (4) years;

13 4. One person involved in compressed natural gas technology in
14 an oil and/or gas industry shall be appointed for a term of three
15 (3) years;

16 5. One person involved in liquefied petroleum gas technology in
17 an oil and/or gas industry shall be appointed for a term of four (4)
18 years;

19 6. One electric vehicle technician shall be appointed for a
20 term of two (2) years; and

21 7. One person involved in manufacturing, conversion, or
22 research in the electric vehicle industry shall be appointed for a
23 term of three (3) years.

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1 Thereafter, each voting member of the Committee shall be
2 appointed for a term of five (5) years, or until their successors
3 are appointed and qualified.

4 The nonvoting member shall be designated by the Commissioner of
5 Labor to serve as ~~Program Administrator and~~ Recording Secretary to
6 the Committee.

7 E. Vacancies which may occur in the membership of the Committee
8 shall be filled by appointment of the Commissioner of Labor. Each
9 person who has been appointed to fill a vacancy shall serve for the
10 remainder of the term for which the member such person succeeds was
11 appointed and until a successor has been appointed and has
12 qualified. Members of the Committee may be removed from office by
13 the Commissioner of Labor for cause in the manner provided by law
14 for the removal of officers not subject to impeachment.

15 F. The Committee shall assist and advise the Commissioner of
16 Labor on all matters relating to the formulation of rules and
17 standards in accordance with the Alternative Fuels Technician
18 Certification Act. The Commissioner of Labor or designee shall
19 administer the examinations of applicants for certification as
20 alternative fuels equipment technicians, alternative fuels
21 compression technicians, and electric vehicle technicians provided
22 that such examinations shall be in accordance with the provisions of
23 the Alternative Fuels Technician Certification Act.

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1 G. All members of the Committee shall be reimbursed for
2 expenses incurred while in the performance of their duties in
3 accordance with the State Travel Reimbursement Act.

4 H. A majority of the total membership of the Committee shall
5 constitute a quorum for the transaction of business.

6 SECTION 2. AMENDATORY 74 O.S. 2011, Section 130.16, as
7 renumbered by Section 20, Chapter 328, O.S.L. 2014 and as last
8 amended by Section 4, Chapter 181, O.S.L. 2015 (40 O.S. Supp. 2015,
9 Section 142.8), is amended to read as follows:

10 Section 142.8 A. The Department of Labor shall issue a
11 certificate as an alternative fuels equipment technician to any
12 person who:

13 1. Has been licensed by the Oklahoma Liquefied Petroleum Gas
14 Board and has successfully passed the appropriate examination as
15 provided in the Alternative Fuels Technician Certification Act or
16 has been certified by the Committee as either having successfully
17 passed the appropriate examination or having a valid license or
18 certificate issued by another governmental entity with licensing or
19 certification requirements similar to those provided in the
20 Alternative Fuels Technician Certification Act; and

21 2. Has paid the certification fee and otherwise complied with
22 the provisions of the Alternative Fuels Technician Certification
23 Act.

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1 B. The Department of Labor shall issue a certificate as an
2 alternative fuels compression technician to any person who:

3 1. Has successfully passed the appropriate examination as
4 provided in the Alternative Fuels Technician Certification Act or
5 has been certified by the Committee as having a valid license or
6 certificate issued by another governmental entity with licensing or
7 certification requirements similar to those provided in the
8 Alternative Fuels Technician Certification Act; and

9 2. Has paid the certification fee and otherwise complied with
10 the provisions of the Alternative Fuels Technician Certification
11 Act.

12 C. The Department of Labor shall issue a certificate as an
13 electric vehicle technician to any person who:

14 1. Has been certified by the Committee as either having
15 successfully passed the appropriate examination or having a valid
16 license or certificate issued by another governmental entity with
17 licensing or certification requirements similar to those provided in
18 the Alternative Fuels Technician Certification Act; and

19 2. Has paid the certification fee and otherwise complied with
20 the provisions of the Alternative Fuels Technician Certification
21 Act.

22 D. In the case of a company, partnership or corporation engaged
23 in the business of installing, servicing, repairing, modifying or
24 renovating equipment used in the conversion of engines to engines

1 fueled by alternative fuels, a separate certificate shall be issued
2 by the Department of Labor to that individual company, partnership
3 or corporation. This certificate is for the express purpose of
4 recognizing that the company, partnership or corporation is an
5 authorized alternative fuels conversion business and employs state-
6 certified alternative fuels equipment technicians. Any violations
7 by a certified alternative fuels equipment technician shall be
8 deemed a violation by the certified company, partnership or
9 corporation employing such certified technician. A company,
10 partnership or corporation engaged in the business of installing,
11 servicing, repairing, modifying or renovating equipment used in the
12 conversion of engines to engines fueled by alternative fuels shall
13 provide the Department of Labor with proof of liability insurance
14 with limits of not less than One Million Dollars (\$1,000,000.00)
15 general liability.

16 E. In the case of a company, partnership or corporation engaged
17 in the business of installing, servicing, repairing, modifying or
18 renovating fill stations, a separate certificate shall be issued by
19 the Department of Labor to that individual company, partnership or
20 corporation. This certificate is for the express purpose of
21 recognizing that the company, partnership or corporation is an
22 authorized fill_station installation business and employs state-
23 certified alternative fuels compression technicians or electric
24 vehicle technicians. Any violations by a certified alternative

1 fuels compression technician or electric vehicle technician shall be
2 deemed a violation by the certified company, partnership or
3 corporation employing such certified technician. A company,
4 partnership or corporation engaged in the business of installing,
5 servicing, repairing, modifying or renovating fill stations shall
6 provide the Department of Labor with proof of liability insurance
7 with limits of not less than One Million Dollars (\$1,000,000.00)
8 general liability.

9 F. In conjunction with subsection A of this section, the
10 Department of Labor shall issue an Alternative Fuels Equipment
11 Installation Certification to any public entity or private company,
12 partnership or corporation that operates commercial, private or
13 public fleets of vehicles and employs ten or more auto service
14 technicians per location. The certification shall be based on the
15 ability of the applicant to provide their own alternative fuels
16 equipment technician training program which shall be certified by
17 the Department of Labor, Committee of Alternative Fuels Technician
18 Examiners. This subsection shall not apply to allow certification
19 of any alternative fuels compression technician training programs.

20 G. All alternative fuels equipment technician certificates,
21 alternative fuels compression technician certificates, and electric
22 vehicle technician certificates shall be nontransferable and it
23 shall be unlawful for any person certified pursuant to the
24 provisions of the Alternative Fuels Technician Certification Act to

1 loan or allow the use of such certificate by any other person,
2 except as specifically provided in the Alternative Fuels Technician
3 Certification Act.

4 H. The standards for the storage and handling of liquefied
5 petroleum gases in the codes adopted by the Oklahoma Uniform
6 Building Code Commission pursuant to the Oklahoma Uniform Building
7 Code Act shall be the accepted codes and standards for this state.
8 The standards for the installation of compressed natural gas
9 vehicular fuel systems adopted by the National Fire Protection
10 Association and published in its Pamphlet No. 52 shall be the
11 accepted standards for this state. The accepted standards for this
12 state for electric vehicle charge stations shall be the codes
13 adopted by the Oklahoma Uniform Building Code Commission. The
14 standards for the design, construction, installation, repair, use
15 and inspection of alternative fuel fueling stations, including
16 residential fueling appliances and facilities, in the codes adopted
17 by the Oklahoma Uniform Building Code Commission pursuant to the
18 Oklahoma Uniform Building Code Commission Act shall be the accepted
19 codes and standards for this state. The Commissioner of Labor is
20 authorized, and it shall be the duty of the Commissioner to adopt
21 and promulgate such rules or specifications relating to safety in
22 the manufacture, assembly, sale, installation and use of vehicular
23 alternative fuel systems. The Commissioner of Labor is further

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1 authorized to modify or amend such rules or specifications as he or
2 she deems reasonable and necessary.

3 I. The Department of Labor may issue an alternative fuels
4 trainee certificate to any person who submits a trainee application
5 to the Department within fifteen (15) business days of being hired
6 by a licensed alternative fuels conversion company. An alternative
7 fuels trainee shall be employed by a licensed alternative fuels
8 conversion company located in Oklahoma. A trainee shall work under
9 the direct supervision of a licensed alternative fuels equipment
10 technician. There shall be no more than two alternative fuels
11 trainees per licensed alternative fuels equipment technician at any
12 licensed Oklahoma alternative fuels conversion company at any one
13 time. An individual that holds a trainee license may engage in any
14 licensed category pursuant to the Alternative Fuels Technician
15 Certification Act while under the direct supervision of an
16 individual holding the appropriate license in the category of
17 activity being performed.

18 J. The Department of Labor may issue an alternative fuels
19 compression trainee certificate to any person who submits a trainee
20 application to the Department within fifteen (15) business days of
21 being hired by a licensed alternative fuels fill-station
22 installation business. An alternative fuels compression trainee
23 shall be employed by a licensed alternative fuels fill-station
24 installation business located in Oklahoma. A trainee shall work

1 under the direct supervision of a licensed alternative fuels
2 compression technician. There shall be no more than two alternative
3 fuels compression trainees per licensed alternative fuels
4 compression technician at any licensed Oklahoma alternative fuels
5 fill-station installation business or the job site or sites of any
6 such alternative fuels fill-station installation business at any one
7 time. An individual who holds a trainee license may engage in any
8 licensed category pursuant to the Alternative Fuels Technician
9 Certification Act while under the direct supervision of an
10 individual holding the appropriate license in the category of
11 activity being performed.

12 SECTION 3. AMENDATORY 74 O.S. 2011, Section 130.17, as
13 renumbered by Section 21, Chapter 328, O.S.L. 2014 and as last
14 amended by Section 5, Chapter 181, O.S.L. 2015 (40 O.S. Supp. 2015,
15 Section 142.9), is amended to read as follows:

16 Section 142.9 A. 1. All applications for examination,
17 certification or renewal of certification shall be made in writing
18 to the Department of Labor on forms provided, if necessary, by the
19 Department of Labor. All applications shall be accompanied by the
20 appropriate fee.

21 2. If a person holds a valid Class I Dealer Permit properly
22 issued by the Oklahoma Liquefied Petroleum Gas Board, pursuant to
23 Section 420.4 of Title 52 of the Oklahoma Statutes, the requirements
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1 of this section for certification or renewal of certification shall
2 not be required.

3 B. The following shall be the fees charged under the
4 Alternative Fuels Technician Certification Act.

5	Alternative Fuels Equipment Technician Examination	\$50.00
6	Alternative Fuels Compression Technician Examination	\$50.00
7	Electric Vehicle Technician Examination	\$50.00
8	Alternative Fuels Equipment Technician Certificate	\$50.00
9	Alternative Fuels Compression Technician Certificate	\$50.00
10	<u>Alternative Fuels Equipment or Compression Training</u>	
11	<u>Certificate</u>	<u>\$25.00</u>
12	Electric Vehicle Technician Certificate	\$50.00
13	Certificate renewal, if made within thirty (30) days after	
14	expiration:	
15	Alternative Fuels Equipment Technician Certificate	\$50.00
16	Alternative Fuels Compression Technician Certificate	\$50.00
17	<u>Alternative Fuels Equipment or Compression Training</u>	
18	<u>Certificate</u>	<u>\$25.00</u>
19	Electric Vehicle Technician Certificate	\$50.00
20	Penalty for Late Certification Renewal:	
21	Alternative Fuels Equipment Technician Certificate	\$10.00
22	Alternative Fuels Compression Technician Certificate	\$10.00
23	Electric Vehicle Technician Certificate	\$10.00
24	Company, Partnership or Corporation Certificate	\$100.00

1	Annual Renewal for Company, Partnership or Corporation	
2	Certificate	\$100.00
3	Training Program Certification (one-time fee)	\$500.00
4	Alternative Fuels Installation Certification Per	
5	Location	\$1,000.00
6	Annual Renewal of Alternative Fuels Installation	
7	Certification Per Location	<u>\$250.00</u>
8		<u>for each dispenser meter</u>
9		<u>at the location not</u>
10		<u>to exceed \$1,000.00 per location</u>

11 SECTION 4. It being immediately necessary for the preservation
12 of the public peace, health and safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

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16 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, LABOR AND RETIREMENT
17 LAWS, dated 02/24/2016 - DO PASS, As Amended and Coauthored.

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