

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 110. FEE AND FINE SCHEDULE FOR OCCUPATIONAL LICENSING
[REVOKED]**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Chapter 110. Fee and Fine Schedule for Occupational Licensing [REVOKED]

SUMMARY:

As OSDH no longer issues occupational licenses, or has authority for these industries, and as part of the Governor's rule reduction Executive Order 2020-03 this chapter is to be revoked.

AUTHORITY:

Commissioner of Health, Title 63 O.S. Section 1-104, Title 59 O.S. 61.1 and Title 59 O.S. 1800.1

COMMENT PERIOD:

November 16, 2020, through December 16, 2020, interested persons may informally discuss the proposed rules with the contact person identified below; or may, through December 16, 2020, submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on December 16, 2020, via WebEx accessible from the site www.publichearings.health.ok.gov, from 9AM to noon. The alternate date and time in the event of extreme inclement weather is December 18, 2020, via WebEx accessible from the site www.publichearings.health.ok.gov, from 9AM to noon. Those wishing to present oral comments should be registered to speak by 9:15 a.m. Directions for comment registration will be provided on the website. The hearing will close at the conclusion of comments from those registered to speak. Interested persons may attend for the purpose of orally submitting data, views, or concerns about the rule proposal described and summarized in this Notice.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through December 16, 2020, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.ok.gov/health.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is available through the contact person identified below or via the agency website at www.ok.gov/health.

CONTACT PERSON:

Audrey C. Talley, Agency Rule Liaison, Oklahoma State Department of Health, 1000 N. E. 10th Street, Oklahoma City, OK 73117-1207, phone (405) 271-9444 ext.56535, e-mail AudreyT@health.ok.gov.

INITIAL RULE IMPACT STATEMENT

(This document may be revised based on comment received during the public comment period.)

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 110. FEE AND FINE SCHEDULE FOR OCCUPATIONAL LICENSING**

1. DESCRIPTION:

310:110-1-1. Purpose. [REVOKED] Occupational license not issued by OSDH or authority under another agency.

310:110-3-1. Processing [REVOKED] Occupational license not issued by OSDH or authority under another agency.

310:110-5-3. Administrative citations [REVOKED] Occupational license not issued by OSDH or authority under another agency.

310:110-5-4. Payment of fines [REVOKED] Occupational license not issued by OSDH or authority under another agency.

310:110-5-5. Schedule of fine for the alarm and locksmith industry [REVOKED] Occupational license not issued by OSDH or authority under another agency.

310:110-5-6. Schedule of fines for the Home Inspection Industry [REVOKED] Occupational license not issued by OSDH or authority under another agency.

310:110-5-7. Schedule of fines for the Barber Industry [REVOKED] Occupational license not issued by OSDH or authority under another agency.

310:110-5-8. Schedule of fines for the fire extinguisher industry [REVOKED] Occupational license not issued by OSDH or authority under another agency.

2. DESCRIPTION OF PERSONS AFFECTED AND COST IMPACT RESPONSE:

310:110-1-1. Purpose. [REVOKED] none

310:110-3-1. Processing [REVOKED] none

310:110-5-3. Administrative citations [REVOKED] none

310:110-5-4. Payment of fines [REVOKED] none

310:110-5-5. Schedule of fine for the alarm and locksmith industry [REVOKED] none

310:110-5-6. Schedule of fines for the Home Inspection Industry [REVOKED] none

310:110-5-7. Schedule of fines for the Barber Industry [REVOKED] none

310:110-5-8. Schedule of fines for the fire extinguisher industry [REVOKED] none

3. DESCRIPTION OF PERSONS BENEFITING, VALUE OF BENEFIT AND EXPECTED HEALTH OUTCOMES:

310:110-1-1. Purpose. [REVOKED] OSDH rule reduction.

310:110-3-1. Processing [REVOKED] OSDH rule reduction.

310:110-5-3. Administrative citations [REVOKED] OSDH rule reduction.

310:110-5-4. Payment of fines [REVOKED] OSDH rule reduction.

310:110-5-5. Schedule of fine for the alarm and locksmith industry [REVOKED] OSDH rule reduction.

310:110-5-6. Schedule of fines for the Home Inspection Industry [REVOKED] OSDH rule reduction.

310:110-5-7. Schedule of fines for the Barber Industry [REVOKED] OSDH rule reduction.

310:110-5-8. Schedule of fines for the fire extinguisher industry [REVOKED] OSDH rule reduction.

4. ECONOMIC IMPACT, COST OF COMPLIANCE AND FEE CHANGES:

310:110-1-1. Purpose. [REVOKED] none
310:110-3-1. Processing [REVOKED] none
310:110-5-3. Administrative citations [REVOKED] none
310:110-5-4. Payment of fines [REVOKED] none
310:110-5-5. Schedule of fine for the alarm and locksmith industry [REVOKED] none
310:110-5-6. Schedule of fines for the Home Inspection Industry [REVOKED] none
310:110-5-7. Schedule of fines for the Barber Industry [REVOKED] none
310:110-5-8. Schedule of fines for the fire extinguisher industry [REVOKED] none

5. COST AND BENEFITS OF IMPLEMENTATION AND ENFORCEMENT TO THE AGENCY.

There are no costs associated with implementation.

6. IMPACT ON POLITICAL SUBDIVISIONS:

There will be no impact on political subdivisions and it will not require their cooperation in implementing or enforcing the proposed amendment.

7. ADVERSE EFFECT ON SMALL BUSINESS:

There is no known adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.

8. EFFORTS TO MINIMIZE COSTS OF RULE:

There are no less costly means currently identified.

9. EFFECT ON PUBLIC HEALTH AND SAFETY:

310:110-1-1. Purpose. [REVOKED] none
310:110-3-1. Processing [REVOKED] none
310:110-5-3. Administrative citations [REVOKED] none
310:110-5-4. Payment of fines [REVOKED] none
310:110-5-5. Schedule of fine for the alarm and locksmith industry [REVOKED] none
310:110-5-6. Schedule of fines for the Home Inspection Industry [REVOKED] none
310:110-5-7. Schedule of fines for the Barber Industry [REVOKED] none
310:110-5-8. Schedule of fines for the fire extinguisher industry [REVOKED] none

10. DETRIMENTAL EFFECTS ON PUBLIC HEALTH AND SAFETY WITHOUT ADOPTION:

None

11. PREPARATION AND MODIFICATION DATES:

This rule impact statement was prepared on September 28, 2020.

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 110. FEE AND FINE SCHEDULE FOR OCCUPATIONAL LICENSING [REVOKED]**

SUBCHAPTER 1. GENERAL PROVISIONS [REVOKED]

310:110-1-1. Purpose [REVOKED]

~~(a) Subchapter Three of this Chapter implements the fee provisions of the Public Health Code which authorize license fees for licenses issued by the Commissioner of Health or the Oklahoma State Department of Health for occupations and professions codified in Title 59 of the Oklahoma Statutes, as they exist and may be amended.~~

~~(b) Subchapter Five of this Chapter implements the administrative fine schedule for violations of the Alarm Industry Act, the Barber Licensing Act and the Home Inspection Licensing Act, as they exist and may be amended, and the rules promulgated thereunder, respectively.~~

SUBCHAPTER 3. FEES [REVOKED]

310:110-3-1. Processing [REVOKED]

~~—Applications for licenses, registration or renewals which are received on the effective date of each of the rules in this chapter or later shall not be processed until the fee(s) of this subchapter are paid, as applicable.~~

SUBCHAPTER 5. ADMINISTRATIVE FINE SCHEDULE [REVOKED]

310:110-5-3. Administrative citations [REVOKED]

~~(a) **Issuance of a citation.** A citation which is issued to a person for violation of one or more of the compliance requirements provided in Section 310:110-5-5, Section 310:110-5-6, and Section 310:110-5-7 shall advise the person of the hearing date at which the person may contest the issuance of the citation and/or the amount of the fine. Such hearings shall be conducted in compliance with the Oklahoma Administrative Procedures Act and the Oklahoma Open Meetings Act.~~

~~(b) **Orders following hearing.** A final order may uphold the citation as issued, reduce the amount of the fine or dismiss the action. A default order may be issued if the person cited has been advised in writing of the hearing date and fails to appear. The fine is due and payable immediately upon issuance of the order unless otherwise provided therein. A final order is appealable to the district court in accordance with the Oklahoma Administrative Procedures Act.~~

310:110-5-4. Payment of fines [REVOKED]

~~—A person who is ordered to pay a fine shall submit the fine to the Oklahoma State Department of Health, Occupational Licensing Service 0203, 1000 N.E. Tenth Street, Oklahoma City, Oklahoma 73117-1299. A person who decides not to contest the issuance of the citation shall submit payment of the fine amount to the address above on or before the hearing date indicated on the citation.~~

310:110-5-5. Schedule of fines for the alarm and locksmith industry [REVOKED]

~~—The fine schedule for citations issued by the Department for violations of the Alarm and Locksmith Industry Act or the rules promulgated thereunder shall be subject to the fines as follows:~~

~~—(1) Engaging in an Alarm and Locksmith Industry business without a license in the appropriate category or classification:~~

~~—(A) First \$200~~

~~—(B) Subsequent \$200~~

- ~~— (2) Company employing unlicensed person to perform Alarm and Locksmith Industry work (per person):~~
 - ~~— (A) First \$100~~
 - ~~— (B) Subsequent \$200~~
- ~~— (3) Altering a license:~~
 - ~~— (A) First \$200~~
 - ~~— (B) Subsequent \$200~~
- ~~— (4) Failure to display company license in conspicuous place:~~
 - ~~— (A) First 50~~
 - ~~— (B) Subsequent \$200~~
- ~~— (5) Individual not carrying a personal license:~~
 - ~~— (A) First \$ 50~~
 - ~~— (B) Subsequent \$200~~
- ~~— (6) Failure to display company license number as required by statute or rule:~~
 - ~~— (A) First \$200~~
 - ~~— (B) Subsequent \$200~~
- ~~— (7) Company employing person to perform Alarm and Locksmith Industry work without supervision of properly licensed manager:~~
 - ~~— (A) First \$200~~
 - ~~— (B) Subsequent \$200~~
- ~~— (8) Failure to have properly licensed manager or technician on site:~~
 - ~~— (A) First \$200~~
 - ~~— (B) Subsequent \$200~~
- ~~— (9) Failure to correct code violations per day after NOV compliance date:~~
 - ~~— (A) First \$200~~
 - ~~— (B) Subsequent \$200~~
- ~~— (10) Failure to comply with a specific provision of the Alarm and Locksmith Industry Regulations:~~
 - ~~— (A) First \$50~~
 - ~~— (B) Subsequent \$200~~

310:110-5-6. Schedule of fines for the Home Inspection Industry [REVOKED]

~~— The fine schedule for citations issued by the Department for Violations of the Home Inspector Licensing Act or the Rules promulgated thereunder shall be subject to the following fines:~~

- ~~(1) Violation of 310:276-5-2(d):~~
 - ~~(A) First violation: \$50.00~~
 - ~~(B) Subsequent violation: \$200.00~~
- ~~(2) Violations of 310:276-11-2(a):~~
 - ~~(A) First violation: up to \$500.00~~
 - ~~(B) Subsequent violation: up to \$1,000.00~~
- ~~(3) Violations of 310:276-11-2(b):~~
 - ~~(A) First violation: up to \$500.00~~
 - ~~(B) Subsequent violation: up to \$1,000.00~~
- ~~(4) Violations of 310:276-11-2(c):~~
 - ~~(A) First violation: up to \$500.00~~
 - ~~(B) Subsequent violation: up to \$1,000.00~~
- ~~(5) Violations of 310:276-11-2(d):~~
 - ~~(A) First violation: up to \$200.00~~
 - ~~(B) Subsequent violation: up to \$500.00~~

- ~~(6) Violations of 310:276-11-2(e):~~
 - ~~(A) First violation: up to \$500.00~~
 - ~~(B) Subsequent violation: up to \$1,000.00~~
- ~~(7) Violations of 310:276-11-2(f):~~
 - ~~(A) First violation: up to \$500.00~~
 - ~~(B) Subsequent violation: up to \$1,000.00~~
- ~~—(8) Violations of 310:276-11-2(g):~~
 - ~~(A) First violation: up to \$500.00~~
 - ~~(B) Subsequent violation: up to \$1,000.00~~
- ~~(9) Violations of 310:276-11-2(h):~~
 - ~~(A) First violation: up to \$500.00~~
 - ~~(B) Subsequent violation: up to \$1,000.00~~
- ~~(10) Violations of 310:276-11-2(i):~~
 - ~~(A) First violation: up to \$500.00~~
 - ~~(B) Subsequent violation: up to \$1,000.00~~
- ~~(11) Violations of 310:276-11-2(j):~~
 - ~~(A) First violation: up to \$1,000.00~~
 - ~~(B) Subsequent violation: up to \$2,000.00~~
- ~~(12) Violations of 310:276-11-2(k):~~
 - ~~(A) First violation: up to \$200.00~~
 - ~~(B) Subsequent violation: up to \$500.00~~
- ~~(13) Violations of 310:276-11-2(l):~~
 - ~~(A) First violation: up to \$200.00~~
 - ~~(B) Subsequent violation: up to \$500.00~~
- ~~(14) Violations of 310:276-11-2(m):~~
 - ~~(A) First violation: up to \$200.00~~
 - ~~(B) Subsequent violation: up to \$500.00~~
- ~~(15) Violations of 310:276-11-2(n):~~
 - ~~(A) First violation: up to \$200.00~~
 - ~~(B) Subsequent violation: up to \$500.00~~

310:110-5-7. Schedule of fines for the Barber Industry [REVOKED]

~~—The fine schedule for citations issued by the Department for violations of the Barber Act or rules promulgated thereunder shall be subject to the fines as follows providing each day a violation continues shall be a separate offense:~~

- ~~(1) Engaging in barbering as an instructor, barber or apprentice without a license in the appropriate category:~~
 - ~~(A) First: \$250~~
 - ~~(B) Subsequent: \$500~~
- ~~(2) Employing an unlicensed person to perform barbering (per person):~~
 - ~~(A) First: \$50~~
 - ~~(B) Subsequent: \$50~~
- ~~(3) Allowing a graduate apprentice or a barber apprentice to work without direct supervision:~~
 - ~~(A) First: \$50~~
 - ~~(B) Subsequent: \$50~~
- ~~(4) Employing more than one barber apprentice and one graduate apprentice per shop (fine per apprentice):~~
 - ~~(A) First: \$50~~

- (B) Subsequent: \$50
- ~~(5) Operating a barber work station in violation of any general sanitation requirement found in Subchapter 7 of the Barber Regulations, 310:210-7-1 et seq.:~~
 - ~~(A) First: \$50~~
 - ~~(B) Subsequent: \$50~~
- ~~(6) Failure to comply with a specific provision of the Barber Act or Regulations by a graduate apprentice, barbers, barber apprentice, or school:~~
 - ~~(A) First: \$50~~
 - ~~(B) Subsequent: \$50~~
- ~~(7) Failure to comply with a specific provision of the Barber Act or Regulations by an individual not licensed under the Barber Act:~~
 - ~~(A) First: \$250~~
 - ~~(B) Subsequent: \$500~~
- ~~(8) Operating a barber school without a state barber school license:~~
 - ~~(A) First: \$250~~
 - ~~(B) Subsequent: \$500~~
- ~~(9) Operating a barbershop or school without notifying the appropriate authority for a sanitation and equipment inspection:~~
 - ~~(A) First: \$50~~
 - ~~(B) Subsequent: \$50~~
- ~~(10) Operating a barber college without the appropriate number of licensed instructors:~~
 - ~~(A) First: \$50~~
 - ~~(B) Subsequent \$50~~

310:110-5-8. Schedule of fines for the fire extinguisher industry [REVOKED]

— The fine schedule for citations issued by the Department for violations of the Fire Extinguisher Licensing Act, Title 59 O.S. Section 1820.1 et seq., or the rules promulgated thereunder shall be subject to the fines as follows:

- ~~— (1) Engaging in fire extinguisher business without a license in the appropriate category or classification:~~
 - ~~— (A) First \$200~~
 - ~~— (B) Subsequent \$200~~
- ~~— (2) Company employing unlicensed person to perform fire extinguisher work (per person):~~
 - ~~— (A) First \$100~~
 - ~~— (B) Subsequent \$200~~
- ~~— (3) Altering a license:~~
 - ~~— (A) First \$200~~
 - ~~— (B) Subsequent \$200~~
- ~~— (4) Failure to display company license in conspicuous place:~~
 - ~~— (A) First 50~~
 - ~~— (B) Subsequent \$200~~
- ~~— (5) Individual not carrying a personal license:~~
 - ~~— (A) First \$ 50~~
 - ~~— (B) Subsequent \$200~~
- ~~— (6) Failure to display company license number as required by statute or rule:~~
 - ~~— (A) First \$200~~
 - ~~— (B) Subsequent \$200~~
- ~~— (7) Company employing person to perform fire extinguisher work without supervision of properly licensed manager:~~

- ~~———— (A) First \$200~~
- ~~———— (B) Subsequent \$200~~
- ~~—— (8) Failure to have properly licensed manager or technician on site:~~
- ~~———— (A) First \$200~~
- ~~———— (B) Subsequent \$200~~
- ~~—— (9) Failure to correct code violations per day after NOV compliance date:~~
- ~~———— (A) First \$200~~
- ~~———— (B) Subsequent \$200~~
- ~~—— (10) Failure to comply with a specific provision of the Fire Extinguisher Industry Regulations:~~
- ~~———— (A) First \$50~~
- ~~———— (B) Subsequent \$200~~