

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1621

By: Brooks

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6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 creating the Real Estate Owner's Rights Act; making
9 certain matter of statewide concern; establishing
10 certain rights of property owners; granting right for
11 construction and repairs; requiring certain permits
12 and inspections; construing requirement to hire
13 licensed persons under certain condition; construing
14 obligations under homeowner association agreement and
15 covenants; authorizing certain assistance to property
16 owner without licensure; amending 59 O.S. 2019,
17 Sections 1017 and 1692, which relate to plumbing and
18 electrical licensures; providing exception to
19 licensures of certain property owners; providing an
20 exception to mechanical licensure; providing for
21 codification; and providing an effective date.

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

23 SECTION 1. NEW LAW A new section of law to be codified
24 in the Oklahoma Statutes as Section 858-1000 of Title 59, unless
25 there is created a duplication in numbering, reads as follows:

26 This act shall be known and may be cited as the "Real Estate
27 Owner's Rights Act".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 858-1001 of Title 59, unless
3 there is created a duplication in numbering, reads as follows:

4 As a matter of statewide concern, an owner of real property in
5 this state has the following rights:

6 1. The right to construct, install and repair. Notwithstanding
7 any provision of law or municipal ordinance to the contrary, an
8 owner of residential real property or farm property who resides in
9 this state and whose real property is located in this state shall be
10 authorized to, and have the absolute right to, personally perform
11 any construction, installation, work or repairs to his or her
12 property including, but not limited to, fencing, landscaping,
13 telephone, plumbing, electrical, roofing, mechanical, carpentry,
14 concrete, masonry or painting, without first obtaining licensure as
15 may be required for such construction, installation, work or repair;
16 provided, however, the owner shall be required to:

- 17 a. obtain all applicable state and local permits and
18 inspections to satisfy the state and local building
19 code requirements, if any,
- 20 b. obtain the services of a qualified professional or
21 obtain applicable authority when working directly
22 with, connecting to or disconnecting from any public
23 utility system, public service corporation system or
24 any utility metering device or equipment, and

1 c. disclose the nature and extent of the construction,
2 installation, work or repairs performed by the owner
3 for purposes of the sale of such property, if
4 licensure would have been required for such work;

5 2. Nothing in this section shall be construed to allow the
6 owner of any residential real property or farm property to avoid the
7 hiring of a qualified licensed professional to perform any
8 construction, installation, work or repairs to his or her property
9 where a valid license is required by law or municipal ordinance
10 should the work be performed by a person other than the actual owner
11 of the property or by the owner's family members, relatives,
12 employees or other associates without such persons being licensed;

13 3. Nothing in this section shall be construed to allow the
14 owner of any residential real property or farm property to avoid or
15 to breach any Home Owner Association (HOA) agreements or
16 neighborhood covenants governing the property; and

17 4. For purposes of this section, an owner is authorized to, and
18 shall have the absolute right to, be assisted by his or her family
19 members, relatives, employees or other associates when performing
20 construction, installation, work or repairs to his or her
21 residential real property or farm property.

22 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1017, is
23 amended to read as follows:
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1 Section 1017. The provisions of The Plumbing License Law of
2 1955 shall not apply to:

3 1. Minor repairs, consisting of repairing or replacing faucets
4 or minor working parts of plumbing fixtures;

5 2. Farm buildings located outside any city or town unless such
6 buildings are connected to a public water or sewer system;

7 3. Maintenance work for state institutions and school
8 districts;

9 4. The installation, maintenance, repair, renovation of
10 automatic sprinkler systems and related mechanical appurtenances
11 beginning at a point where the pipe or piping system provides water
12 used exclusively for these automatic sprinklers and their related
13 appurtenances and to standpipes connected to automatic sprinkler
14 systems;

15 5. The construction, installation, maintenance, repair,
16 renovation, and/or removal of pipe or piping systems and related
17 mechanical appurtenances including backflow preventers, appliances
18 and/or equipment used in connection therewith, directly or
19 indirectly within or without any building or structure, from a point
20 or location in a source of potable water supply at which point or
21 location there exists any backflow preventer, provided that ~~said~~ the
22 pipe and/or piping systems are for:
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- 1 a. heating, except radiant-floor heating systems as
2 defined in subparagraph d of paragraph 9 of Section
3 1003 of this title,
4 b. cooling,
5 c. air conditioning,
6 d. refrigeration, or
7 e. boilers and other pressure vessels of whatsoever kind
8 and character.

9 A "backflow preventer," as used herein, means any permanent
10 mechanical device, or combination of permanent mechanical devices,
11 of whatever material, which, after installation acts to prevent a
12 reversal of the normal directional flow of potable water within the
13 piping system in which it is installed, and shall include, but not
14 be limited to, metal checkvalves and airgaps, either naturally or
15 artificially created. Provided, further, that the exclusionary
16 provisions of this paragraph shall apply only to and within
17 governmental agencies, counties, cities and towns which now have or
18 which hereafter may adopt separate laws relating to the licensing,
19 registration and regulating of persons engaged, for business
20 purposes, in any of the areas of trade hereinbefore specified in
21 this paragraph; the exemptions herein being provided to apply only
22 to these items specifically regulated by any such local laws and
23 ordinances; and
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1 6. An individual who performs plumbing work on ~~such~~
2 ~~individual's residential or farm property of residence~~ owned by the
3 individual or an owner who performs plumbing work on his or her
4 property with the assistance of his or her family members,
5 relatives, employees or other associates as authorized by this act.

6 SECTION 4. AMENDATORY 59 O.S. 2011, Section 1692, is
7 amended to read as follows:

8 Section 1692. A. The provisions of the Electrical License Act
9 shall not apply to:

10 1. Minor repairs, consisting of repairing or replacing outlets
11 or minor working parts of electrical fixtures;

12 2. Maintenance work for state and federal institutions;

13 3. The construction, installation, maintenance, repair and
14 renovation by a public utility regulated by the Corporation
15 Commission;

16 4. Public service corporations, telephone and telegraph
17 companies, rural electric associations or municipal utilities;

18 5. The construction, installation, maintenance, repair, and
19 renovation of telephone equipment or computer systems by a person,
20 firm, or corporation engaged in the telecommunications or
21 information systems industry when such activities involve work
22 exclusively for communication of data, voice, or for other signaling
23 purposes; except fire alarm systems, security systems and
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1 environmental control systems that are not an integral part of a
2 telecommunications system; or

3 6. The installation, maintenance, repair or replacement of
4 water supply pumps, provided such work is performed from the output
5 side of a fused disconnect or breaker box.

6 B. Nothing in the Electrical License Act shall be construed to
7 require:

8 1. Employment of a licensed electrical contractor, journeyman
9 electrician or electrical apprentice except as required by local
10 ordinances and resolutions;

11 2. Any regular employee of any firm or corporation to hold a
12 license before doing any electrical work on the property of the firm
13 or corporation whether or not the property is owned, leased or
14 rented except as may be required by local ordinances and
15 resolutions; or

16 3. An individual to hold a license before doing electrical work
17 on his or her own property or residence ~~except as may be required by~~
18 ~~local ordinances and resolutions~~ or an owner who performs electrical
19 work on his or her property or residence with the assistance of his
20 or her family members, relatives, employees or other associates as
21 authorized by this act.

22 SECTION 5. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1850.7a of Title 59, unless
24 there is created a duplication in numbering, reads as follows:

1 The provisions of the Mechanical Licensing Act shall not apply
2 to an individual who performs mechanical work on residential or farm
3 property owned by such individual or an owner of property who
4 performs mechanical work with the assistance of his or her family
5 members, relatives, employees or other associates as authorized by
6 this act.

7 SECTION 6. This act shall become effective November 1, 2020.

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