

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 60th Legislature (2026)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3338

By: Banning of the House

and

Logan of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to professions and occupations;
12 establishing the Swimming Pool Contractor Licensing
13 Act; authorizing the Construction Industries Board to
14 implement, administer, and enforce swimming pool
15 contractor licensure; defining terms; establishing
16 fees; adopt necessary rules; providing for
17 codification; and providing an effective date.

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

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1025 of Title 59, unless there
21 is created a duplication in numbering, reads as follows:

22 This act shall be known and may be cited as the "Swimming Pool
23 Contractor Licensing Act".
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1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1025.1 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The Construction Industries Board is authorized and directed
5 to administer the swimming pool contractor provisions of the
6 Swimming Pool Contractor Licensing Act and exercise all incidental
7 powers provided in the Construction Industries Board Act, Chapter
8 26A of Title 59 of the Oklahoma Statutes, that are necessary and
9 proper to implement and enforce the provisions of the Swimming Pool
10 Contractor Licensing Act and the rules promulgated pursuant thereto.

11 B. The Construction Industries Board shall have the authority
12 to administer and enforce the provisions of the Swimming Pool
13 Contractor Licensing Act in accordance with the powers set forth in
14 Chapter 26A of Title 59 of the Oklahoma Statutes, and specifically
15 Section 1000.4 of Title 59 of the Oklahoma Statutes including, but
16 not limited to, the authority to make, prescribe, enforce, amend,
17 and repeal rules governing the licensure of swimming pool
18 contractors, including but not limited to establishing minimum
19 qualifications, license categories and limitations, establishing
20 fines and penalties for violations, initiating disciplinary
21 proceedings, and enforcement of the act.

22 SECTION 3. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1025.2 of Title 59, unless there
24 is created a duplication in numbering, reads as follows:

1 A. As used in the Swimming Pool Contractor Licensing Act:

2 1. "Swimming pool" means a permanent in-ground spa or any
3 permanent in-ground structure intended for swimming; and

4 2. "Swimming pool contractor" means an individual person who
5 offers to engage in, by advertisement or otherwise, or engages in
6 the installation of a permanent in-ground spa or swimming pool.

7 B. On or after the promulgation of regulations required
8 pursuant to subsection C of this section, no person shall build or
9 install a swimming pool unless such person holds a swimming pool
10 contractor license issued by the Construction Industries Board. A
11 swimming pool contractor license regulates the minimum occupational
12 qualifications of a person to perform swimming pool contractor work.
13 The swimming pool contractor license does not regulate swimming
14 pools, and the swimming pool contractor license shall not be used as
15 duplicitous or used in place of or as a substitute for plan review,
16 installation standards and permitting requirements, or other
17 provisions for swimming pools that are regulated by other
18 governmental entities, political subdivisions, or authorities having
19 jurisdiction, specifically Section 1-1022 of Title 63 of the
20 Oklahoma Statutes.

21 C. Not later than November 1, 2027, the Construction Industries
22 Board shall adopt regulations necessary, in accordance with Section
23 2 of this act, to implement the provisions of the Swimming Pool
24 Contractor Licensing Act, including but not limited to establishing

1 the amount and type of experience, training, continuing education,
2 general liability insurance, compliance with workers' compensation
3 requirements, and examination requirements for a person to obtain
4 and renew a swimming pool contractor license, defining categories
5 and limitations for such licenses.

6 D. A person licensed as a swimming pool contractor pursuant to
7 the Swimming Pool Contractor Licensing Act shall not perform
8 plumbing, electrical, or mechanical work that is outside the scope
9 of adopted industry standards for swimming pool work, is covered by
10 the state-adopted International Plumbing Code, NFPA 70,
11 International Fuel Gas Code, or International Residential Code,
12 involves a direct connection to a public water supply, sanitary
13 sewer, electrical service, natural gas supply, or any plumbing,
14 electrical, or mechanical work requiring an Oklahoma plumbing,
15 electrical, or mechanical license, unless such person is licensed to
16 perform such work pursuant to the Plumbing License Law of 1955, the
17 Electrical License Act, or the Mechanical Licensing Act. Swimming
18 pool work does not require a plumbing license and shall be
19 considered part of swimming pool construction and may be performed
20 by a licensed swimming pool contractor when the piping is associated
21 solely with a closed-loop swimming pool circulation system,
22 including piping between the pool vessel, circulation equipment, and
23 related components from a point or location in a source of potable
24 water supply at which point or location there exists any backflow

1 preventer provided that the piping or piping system provides water
2 used exclusively for the swimming pool and is subject to any plan
3 review, permitting or building code inspection by the authority
4 having jurisdiction or the State Department of Health.

5 E. On and after the adoption of regulations required pursuant
6 to subsection C of this section, any person applying to the
7 Construction Industries Board for a swimming pool contractor license
8 shall be issued such license without examination upon demonstration
9 by the applicant of proof of experience and training equivalent to
10 the experience and training required to qualify for examination for
11 such license, who have paid the application and license fees and
12 have otherwise complied with the applicable requirements including
13 any insurance, and have disclosed any suspension, revocation, or
14 pending disciplinary action of any other professional or
15 occupational license, if such applicant makes such application to
16 the Construction Industries Board not later than November 1, 2027.

17 F. The application fee, initial fee, and renewal fee for a
18 swimming pool contractor license shall be the same as the fees for
19 plumbing, electrical, and mechanical contractors as set forth in
20 Section 1000.5 of Title 59 of the Oklahoma Statutes. Initial
21 licensure and fee shall be prorated by month to expire on the last
22 day of the birth month of the licensee. Subsequently, all licenses
23 shall be valid for a period of one (1) year and shall expire on the
24 last day of the birth month of the licensee.

1 G. All licenses shall be nontransferable. No person shall
2 engage or offer to engage in, by advertisement or otherwise, any
3 swimming pool contractor work who does not possess a valid and
4 appropriate license or registration from the Construction Industries
5 Board. No business entity shall act as a swimming pool contractor
6 firm unless a swimming pool contractor is associated with and
7 responsible for all swimming pool contractor work of such entity.

8 H. Complaints, violations, enforcement authority, procedures
9 and fines and penalties shall be governed by Section 1000.4 of Title
10 59 of the Oklahoma Statutes and the Construction Industries Board
11 industry regulations fine schedule. A swimming pool contractor
12 licensee who is disciplined pursuant to Section 1-1013.2 or 1-1022
13 of Title 63 of the Oklahoma Statutes, must immediately report it to
14 the Construction Industries Board for investigation for reciprocal
15 or independent disciplinary action.

16 I. Each license holder shall utilize a valid written contract
17 when engaging in the business of swimming pool contractor work with
18 a property owner, lessee, or property manager.

19 J. No unlicensed swimming pool contractor or swimming pool
20 contractor who has not maintained licensure pursuant to this act
21 shall bring or maintain any claim, action, suit, or proceeding in
22 any court of this state related to the person's business or capacity
23 as a swimming pool contractor without a valid swimming pool
24 contractor license, when required, continuously while performing the

1 work for which the claim, action, suit, or proceeding is sought, as
2 provided in the Swimming Pool Contractor Licensing Act.

3 K. Any person may file a written duly verified complaint
4 alleging violations of the Swimming Pool Contractor Licensing Act.
5 Allegations involving fraud, larceny, or any act or failure to act
6 that would involve criminal misconduct are to be submitted directly
7 to the Office of the Attorney General or the local district attorney
8 for investigation and prosecution of any alleged criminal violation.

9 L. Any advance payment or deposit paid for future swimming pool
10 supplies, materials, or swimming pool contractor work to be
11 performed in the future in an amount more than Ten Thousand Dollars
12 (\$10,000.00) is presumed to be deceptive intentionally unless the
13 swimming pool contractor provides verifiable documentation
14 supporting the costs to be covered by the pre-payment amount.

15 M. The Construction Industries Board does not have authority to
16 pursue restitution or provide civil remedies for violations of this
17 act, contract performance or failure to perform, or workmanship.
18 Allegations alleging a violation of the occupational licensing
19 provisions of the Swimming Pool Contractor Licensing Act may be
20 received by the Construction Industries Board and shall be on a
21 complaint form approved by the agency and shall set forth the
22 alleged act or omission and a statement of sufficient facts upon
23 which a reasonable person could conclude that the act or omission
24 has been committed. All complaints filed with the agency shall be

1 subject to the Open Records Act. Nothing in this section shall be
2 construed to require the complainant to first file a complaint with
3 the agency before seeking relief or remedies allowed by law.

4 N. Licensing by reciprocity shall be in accordance with the
5 provisions of Section 1000.5a of Title 59 of the Oklahoma Statutes.

6 O. All fees, administrative fines, or payments of any type
7 received by the Construction Industries Board under the Swimming
8 Pool Contractor Licensing Act shall be deposited in a revolving fund
9 to be designated as the "Swimming Pool Contractor Revolving Fund"
10 and are hereby appropriated and may be expended by the Construction
11 Industries Board for the purpose of implementing, administering, and
12 enforcing the Swimming Pool Contractor Licensing Act and for
13 implementing programs designed to further the efficiency of the
14 swimming pool contractor profession and public understanding of the
15 profession. The fund shall be a continuing fund, not subject to
16 fiscal year limitations. Expenditures from the fund shall be made
17 upon warrants issued by the State Treasurer against claims filed as
18 prescribed by law with the Director of the Office of Management and
19 Enterprise Services for approval and payment.

20 SECTION 4. This act shall become effective November 1, 2026.

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22 COMMITTEE REPORT BY: COMMITTEE ON COMMERCE AND ECONOMIC DEVELOPMENT
23 OVERSIGHT, dated 03/04/2026 - DO PASS, As Amended and Coauthored.

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