

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

2ND CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

HOUSE BILL NO. 1031

By: Cozort, Sullivan and  
Graves of the House

and

Weedn of the Senate

2ND CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to professions and occupations and state government; amending 59 O.S. 1991, Sections 1800.2, 1800.5, 1800.8 and 1800.10, which relate to the Alarm Industry Act; clarifying language; modifying certain definition; modifying certain powers and duties of the Alarm Industry Committee; specifying and modifying requirements for company licenses and individual licenses; amending 74 O.S. 1991, Sections 324.11 and 324.11a, which relate to building permits and smoke detectors required for certain buildings and structures; requiring all types of buildings or structures requiring construction permit to obtain certain permit; providing exceptions; deleting list of such types of structures and buildings requiring such permit; authorizing certain charge made in conformity with state law; authorizing certain permit be obtained from State Fire Marshal; authorizing and requiring application for certain building permit to be issued by State Fire Marshal under certain circumstances; allowing State Fire Marshal to require the submission of certain plans and specifications; allowing the State Fire Marshal to refuse to issue certain permit under certain circumstances; exempting certain buildings from certain requirement; deleting certain building codes as prerequisites to issuance of certain permits; authorizing State Fire Marshal Commission to establish certain fees and providing procedures thereto; specifying certain fees for certain permits; requiring certain monies be deposited into State Fire Marshal Revolving Fund and providing for use of such funds; authorizing the State Fire Marshal to establish certain fees for certain purposes; prohibiting the state from charging, assessing or collecting certain fees and charges except under certain conditions; requiring smoke detectors be installed in certain buildings and structures; modifying definition; requiring the tenant or lessee to determine if certain smoke detectors are operational; requiring landlords to install and explain testing method of certain smoke detectors; requiring owner of certain rental property to install specific fire detectors for deaf or hearing impaired individuals under certain conditions; allowing certain water sprinkler systems to be installed in lieu of smoke detectors; requiring local authorities to issue smoke detector installation order under certain circumstances; requiring smoke detectors installed after certain date to

be continuously powered by property's electrical service; requiring actuation of certain smoke detectors under certain circumstances; providing penalties for certain violations; prohibiting political subdivisions from enacting stricter laws on fire alarms pursuant to this act than state; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 1991, Section 1800.2, is amended to read as follows:

Section 1800.2 As used in ~~this act~~ the Alarm Industry Act:

1. "Alarm industry" means the sale, except as provided in Section ~~3~~ 1800.3 of this ~~act~~ title, installation, maintenance, alteration, repair, replacement or service of alarm systems or service involving receipt of alarm signals for the purpose of employee response and investigation of such signals or any combination of the foregoing activities;
2. "Alarm system" means one or more devices designed either to detect and signal an unauthorized intrusion or entry or to signal a fire or other emergency condition, which signals are responded to by public law enforcement officers, fire department personnel, private guards or security officers;
3. "Board" means the State Board of Health;
4. "Committee" means the Alarm Industry Committee;
5. "Commissioner" means the Commissioner of Health;
6. "Licensee" means any person licensed pursuant to the Alarm Industry Act; and
7. "Person" means ~~a~~ an individual, sole proprietorship, firm, partnership, association, corporation, or other similar entity.

SECTION 2. AMENDATORY 59 O.S. 1991, Section 1800.5, is amended to read as follows:

Section 1800.5 The Alarm Industry Committee shall have the following duties and powers:

1. To assist the Commissioner of Health in licensing and otherwise regulating persons engaged in an alarm industry business;

2. To determine qualifications of applicants pursuant to the Alarm Industry Act;

3. To prescribe and adopt forms for license applications and initiate mailing of such application forms to all persons requesting such applications;

4. To assist the Commissioner in the denial, suspension or revocation of licenses as provided by the Alarm Industry Act;

5. To charge and collect such fees as are prescribed by the Alarm Industry Act;

6. To assist the State Board of Health in establishing and enforcing standards governing the materials, services and conduct of the licensees and their employees in regard to the alarm industry;

7. To assist the Board in promulgating rules ~~and regulations~~ necessary to carry out the administration of the Alarm Industry Act;

8. To investigate alleged violations of the provisions of the Alarm Industry Act and of any rules and regulations promulgated by the Board thereunder;

9. To assist the Oklahoma State Board of Health in establishing categories of licenses for the Alarm Industry Act and application requirements for each category including but not limited to individual license, experience requirements, fingerprints, photographs, examinations, and fees;

10. To assist the Commissioner in providing for grievance and appeal procedures pursuant to the Oklahoma Administrative Procedures Act for any person whose license is denied, revoked or suspended; and

11. To have such other powers and duties as ~~is~~ are necessary to implement the Alarm Industry Act.

SECTION 3. AMENDATORY 59 O.S. 1991, Section 1800.8, is amended to read as follows:

Section 1800.8 A. An application for a company license shall include:

1. The address of the principal office of the applicant and the address of each branch office of the applicant located within this state;

2. The name per business location under which the applicant intends to do business as a licensee;

3. A statement as to the extent and scope of the applicant's alarm industry business and all other businesses in which the applicant is engaged in this state;

4. A recent photograph of a type prescribed by the Board of the applicant, if the applicant is a sole proprietor, or of each officer and of each partner or shareholder who owns a twenty-five percent (25%) or greater interest in the applicant, if the applicant is an entity;

5. Two classifiable sets of fingerprints of the applicant, if the applicant is a sole proprietor, or of each officer and of each partner or shareholder who owns a twenty-five percent (25%) or greater interest in the applicant, if the applicant is an entity; and

6. Such other information, statements or documents as may be required by the Board.

B. An applicant for an individual license shall provide such documents, statements or other information as may be required by the State Board of Health, including two classifiable sets of fingerprints of the applicant.

C. Fees for license and renewal issued pursuant to the Alarm Industry Act shall be adopted by the Board pursuant to Section 1-106.1 of Title 63 of the Oklahoma Statutes. Provided, the fees provided for in this subsection shall not exceed Two Hundred Fifty Dollars (\$250.00). An applicant shall pay the license fee at the time he makes application.

SECTION 4. AMENDATORY 59 O.S. 1991, Section 1800.10, is amended to read as follows:

Section 1800.10 A. A license shall not be altered or assigned.

B. A company license shall be posted in a conspicuous place in each alarm industry business location of the licensee.

C. A company licensee shall notify the Committee within fourteen (14) days of any change of information furnished on his application for license or on his license including, but not limited to, change of ownership, address, business activities, or any developments related to the qualifications of the licensee or the individual described in Section 7 1800.7 of this ~~act~~ title. If the licensee for any reason ceases to engage in an alarm industry business in this state, the licensee shall notify the Committee within fourteen (14) days of such cessation. If the required notice of cessation is not given to the Committee within fourteen (14) days, the license may be suspended or revoked by the Commissioner on recommendation of the Committee.

D. No person shall represent falsely that he is licensed or employed by a licensee.

E. Each company licensee shall maintain a record containing such information relative to his employees as may be required by the Board.

SECTION 5. AMENDATORY 74 O.S. 1991, Section 324.11, is amended to read as follows:

Section 324.11 A. ~~No~~ Except as otherwise provided for in this section, no person, firm, corporation, partnership, organization, city, town, school district, county or other subdivision of government shall commence the construction or major alteration of any building or structure ~~to be used as a school, hospital, church, asylum, theater, meeting hall, hotel, motel, apartment house, rooming house, rest home, nursing home, day nursery, convalescent home, orphanage, auditorium, or install original equipment for the operation or maintenance thereof~~ without obtaining a permit. Said permit, for which a charge may be made in conformity with the local ordinance or state law, except as limited herein as to governmental agencies, shall be obtained from the city, town ~~or~~, county, or State Fire Marshal in whose jurisdiction the construction or alteration is planned.

B. All such construction or alteration so planned shall conform to the applicable provisions of the BOCA National Building Code, as last revised, the Southern Standard Building Code

Congress International (SBCCI), or the Uniform Building Code (ICBO), except that in the event any city, town or county having jurisdiction to issue such permit has adopted by ordinance one of the other building codes designated in Section 324.8 of this title, then such construction or alteration shall conform to such other code so adopted.

C. Application for such building permit shall be made to, and such building permit shall be issued by, any city, town ~~or~~ county, or State Fire Marshal in whose jurisdiction the construction or alteration is planned. The city, town ~~or~~ county, or State Fire Marshal may require the submission of plans and specifications covering the proposed construction or alteration and may refuse to issue such permit unless the work so planned is in accordance with the applicable provisions of the city, town ~~or county's~~, county, or State Fire Marshal's building code. In all geographical areas wherein no such permit is required by local authorities such permit, except for one- and two-family dwellings and farm buildings, must be obtained from the State Fire Marshal, who may require the submission of plans and specifications covering the proposed construction or alteration, and he shall refuse to issue such permit unless the work so planned is in accordance with the applicable provisions of said BOCA National Building Code, as last revised, ~~the Southern Standard Building Code Congress International (SBCCI), or the Uniform Building Code (ICBO).~~ Except as specified in this subsection, the State Fire Marshal Commission may establish a system of fees to be charged for building, inspection, and occupancy permits, aboveground tank application, construction plans review, and sprinkler plans review. These fees may be charged for inspections and plans review performed by state inspectors in jurisdictions where there is no lawfully established local program of building code enforcement. Except as specified in this subsection, the Commission shall base its fee schedule upon the reasonable costs of review and inspection services as the Commission shall determine. The Commission shall follow the procedures required by Sections 301 through 325 of Title 75 of the Oklahoma Statutes for

Req. No. 7138Page 6

adoption of rules in establishing or amending any such schedule of fees. A five cent (\$0.05) per square foot fee shall be charged for plans review/building permit for all new construction and remodeling of existing facilities in which fifty percent (50%) or more of the building is being remodeled, excluding one- and two-family dwellings and all farm buildings; a One Hundred Dollar (\$100.00) fee shall be charged for all occupancy permits issued; a Thirty-five Dollar (\$35.00) fee shall be charged for the review and approval of an above-ground fuel tank application for nonretail sales, excluding all farm above-ground fuel tank installations; and a Fifty Dollar (\$50.00) fee shall be charged for the review and approval of a fire sprinkler plan. Fees charged pursuant to this section shall be paid into the State Fire Marshal Revolving Fund, created in Section 50001 of Title 68 of the Oklahoma Statutes, and shall be used by the State Fire Marshal in administering the agency operations. If a city, town or county requests the State Fire Marshal to review plans and specifications and issue a permit, a fee may be established by the State Fire Marshal Commission covering such service.

D. Nothing in this act shall be construed as repealing any ordinance of any city, town or county requiring the submission to the local authorities of plans and specifications and the obtaining of permits, but the power or authority of any such city, town or county to levy or assess any charge for such permit or to make and enforce requirements prerequisite to the issuance of such permit, other than requiring compliance with such building code, shall, as to governmental agencies, be limited as hereinafter set forth.

E. No city, town ~~or~~, county or state requested to issue any such permit to any city, town, school district, county or ~~other~~ political subdivision of government this state shall charge, assess or collect any fee or other charge for such permit except the regular and customary inspection fees fixed by ordinance or by state statute or rule for inspection of the work to be done under such permit, and no other charge, fee or other conditions of any kind under the authority of this title shall be made a condition

of or prerequisite to the obtaining of such permit by any such governmental agency.

F. No bids may be let for the construction or major alteration of any correctional facility as defined by Section 317 of this title until plans and specifications for such construction or alteration have been submitted to the State Fire Marshal for his approval. The State Fire Marshal shall approve said plans and specifications if the work so planned conforms with the applicable provisions of the BOCA National Building Code, as last revised, the Southern Standard Building Code Congress International (SBCCI), or the Uniform Building Code (ICBO).

SECTION 6. AMENDATORY 74 O.S. 1991, Section 324.11a, is amended to read as follows:

Section 324.11a A. Any person, partnership, corporation, organization, the state, or city, town, county, or other subdivision of this state, owning a building or structure used as a one- or two-family dwelling, hospital, church, theater, hotel, motel, apartment house, rooming house, dormitory, rest home, nursing home, day nursery, convalescent home, auditorium, or child care institution, existing or constructed in the State of Oklahoma, including "manufactured home" as that term is defined in Section 1102 of Title 47 of the Oklahoma Statutes, shall install in such building or structure a smoke detector or detectors in accordance with the nationally recognized codes, standards, or practices adopted by the State Fire Marshal Commission to safeguard life and property from the hazards of smoke and fire.

B. For the purpose of this section, the term smoke detector means a device which is:

1. Designed to detect visible or invisible products of combustion; ~~and~~
2. Designed with an alarm audible to the rooms it serves; ~~and~~
3. Powered by either battery, alternating current, or other power source; and
4. Tested and listed for use as a smoke detector by ~~Underwriters Laboratories, Inc., Factory Mutual Research~~

Corporation, or United States Testing Company, Inc. a recognized testing laboratory.

C. Any person, partnership, corporation, state, municipality, county, or other subdivision of this state who is a lessor of a residential rental property shall equip each dwelling with a workable smoke detector.

D. Any person, partnership, corporation, state, municipality, county, or other subdivision of this state who is a lessor of a residential rental property shall explain to the lessee or tenant the method of testing the smoke detector to ensure that it is in working order. The responsibility for checking a smoke detector to find out whether such detector is in working order is with the tenant or lessee leasing or renting a one- or two-family dwelling, including an apartment in each apartment house, and not with the person, partnership, corporation, state, municipality, county, or other subdivision of this state who is a lessor of the residential rental property to the lessee or tenant.

E. Where a dwelling is not occupied by the owner and is occupied by an individual who is deaf or hearing impaired, the owner shall, upon written request by or on behalf of such individual, provide and install a smoke detector with a light signal sufficient to warn the deaf or hearing-impaired individual of the danger of fire.

F. An automatic fire sprinkler system installed in accordance with the National Fire Protection Association Standard 13D, "Standard for the Installation of Sprinkler Systems in Residential Occupancies", 1989 edition, may be provided in lieu of a smoke detector.

G. After investigating a fire in any dwelling described in subsection A of this section, the local investigating authority shall issue to the owner a smoke detector installation order in the absence of the required smoke detectors.

H. Any residential property newly constructed, reconstructed or substantially remodeled after January 1, 1994, shall have a smoke detector installed that is continuously powered by the property's electrical service. If more than one detector is

required to be installed, the detectors shall be wired so that the actuation of one detector will actuate all the detectors within each property unit.

I. Any person who violates any provisions of subsections A, C, E, F, G or H of this section, upon conviction, is guilty of a misdemeanor and may be fined not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00), including any person who tampers with, removes, destroys, disconnects or removes power from any installed smoke detector, except in the course of inspection, maintenance or replacement of the detector.

J. Nothing in this section shall be construed to allow any political subdivision in this state to enact laws imposing upon owners of any dwelling described in subsection A of this section a greater duty with regard to the installation, testing, repair and replacement of smoke detectors than is required by this section.

K. The State Fire Marshal Commission shall prescribe, adopt, and promulgate the rules ~~and regulations~~ necessary to effectuate the provisions of this section which shall include a practical time table for compliance with the provisions of this act.

~~D.~~ L. Municipalities may enact ordinances in order to enforce the rules ~~and regulations~~ of the State Fire Marshal Commission as provided by this section.

SECTION 7. This act shall become effective September 1, 1993.

44-1-7138

MCD