

3 Senate Bill No. 320

4 SENATE BILL NO. 320 - By: REYNOLDS of the Senate and NANCE of the
5 House.

6 An Act relating to state government; amending 74 O.S. 2001,
7 Sections 324.8 and 324.11, which relate to the State Fire
8 Marshal; clarifying standards for construction of or major
9 alterations to certain buildings; modifying use of building
10 or structure that requires a building permit; and providing
11 an effective date.

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

13 SECTION 1. AMENDATORY 74 O.S. 2001, Section 324.8, is
14 amended to read as follows:

15 Section 324.8 The rules promulgated pursuant to Section 324.1
16 et seq. of this title shall have uniform force and effect throughout
17 the state and no municipality or subdivision shall enact or enforce
18 any ordinances, rules for construction of or major alterations to
19 buildings with standards other than ~~the Building Officials and Code~~
20 ~~Administrators (BOCA) National Building Code, those~~ as last adopted
21 by the State Fire Marshal Commission, except that a municipality or
22 subdivision which requires permits for construction of or major
23 alterations to buildings may elect to adopt, by ordinance, a
24 renovation code for existing buildings approved by the Office of the
25 State Fire Marshal as an equivalent code to the existing building
26 provisions of the state-adopted building code, or any other

1 recognized national building code, in lieu of the Building Officials
2 and Code Administrators (BOCA) National Building Code. Provided,
3 nothing in ~~this act~~ Section 324.1 et seq. of this title shall
4 prevent or take away from any city, town or county, the authority to
5 enact and enforce rules containing higher standards and requirements
6 than those provided herein nor prevent or take away from any city,
7 town or county the authority to amend such adopted codes to make
8 changes necessary to accommodate local conditions. And provided
9 further, that nothing in this act shall in any way impair the power
10 of any municipality, county or subdivision to regulate the use of
11 land by zoning, building codes or restricted fire district
12 regulations.

13 SECTION 2. AMENDATORY 74 O.S. 2001, Section 324.11, is
14 amended to read as follows:

15 Section 324.11 A. No person, firm, corporation, partnership,
16 organization, city, town, school district, county or other
17 subdivision of government shall commence the construction or major
18 alteration of any building or structure to be used as ~~a school~~ an
19 educational building, hospital, ~~church, asylum, theater, meeting~~
20 ~~hall, hotel, motel, apartment house, rooming house, rest home,~~
21 ~~nursing home, day nursery, convalescent home, orphanage, auditorium~~
22 assembly hall, dormitory, factory, stadium, warehouse, and
23 including, but not limited to, all defined occupancies within these

1 groups, or install original equipment for the operation or
2 maintenance thereof without obtaining a permit. Said permit, for
3 which a charge may be made in conformity with the local ordinance,
4 except as limited herein as to governmental agencies, shall be
5 obtained from the city, town or county in whose jurisdiction the
6 construction or alteration is planned.

7 B. All such construction or alteration so planned shall conform
8 to the applicable provisions of the BOCA National Building Code, as
9 last revised, the Southern Standard Building Code Congress
10 International (SBCCI), the Uniform Building Code (ICBO), or the
11 International Building Code, except that in the event any city, town
12 or county having jurisdiction to issue such permit has adopted by
13 ordinance one of the other building codes designated in Section
14 324.8 of this title, then such construction or alteration shall
15 conform to such other code so adopted.

16 C. Application for such building permit shall be made to, and
17 such building permit shall be issued by, any city, town or county in
18 whose jurisdiction the construction or alteration is planned. The
19 city, town or county may require the submission of plans and
20 specifications covering the proposed construction or alteration and
21 may refuse to issue such permit unless the work so planned is in
22 accordance with the applicable provisions of the city, town or
23 county's building code. In all geographical areas wherein no such

1 permit is required by local authorities such permit must be obtained
2 from the State Fire Marshal, who may require the submission of plans
3 and specifications covering the proposed construction or alteration,
4 and shall refuse to issue such permit unless the work so planned is
5 in accordance with the applicable provisions of said BOCA National
6 Building Code, as last revised, the Southern Standard Building Code
7 Congress International (SBCCI), the Uniform Building Code (ICBO), or
8 the International Building Code.

9 D. Nothing in ~~this act~~ Section 324.1 et seq. of this title
10 shall be construed as repealing any ordinance of any city, town or
11 county requiring the submission to the local authorities of plans
12 and specifications and the obtaining of permits, but the power or
13 authority of any such city, town or county to levy or assess any
14 charge for such permit or to make and enforce requirements
15 prerequisite to the issuance of such permit, other than requiring
16 compliance with such building code, shall, as to governmental
17 agencies, be limited as hereinafter set forth.

18 E. No city, town or county requested to issue any such permit
19 to any city, town, school district, county or other subdivision of
20 government shall charge, assess or collect any fee or other charge
21 for such permit except the regular and customary inspection fees
22 fixed by ordinance for inspection of the work to be done under such
23 permit, and no other charge, fee or other conditions of any kind

1 under the authority of this title shall be made a condition of or
2 prerequisite to the obtaining of such permit by any such
3 governmental agency.

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

13 SECTION 3. This act shall become effective November 1, 2005.

14 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND LABOR, dated 2-14-05
15 - DO PASS, As Coauthored.