

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 2047

By: Nichols of the Senate

and

Blackwell and Billy of the
House

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9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to state government; amending 74 O.S.
11 2001, Section 324.11, which relates to building
12 permits; adding certain structures required to have
13 certain type of building permit; providing for
14 certain exception; requiring certain type of assisted
15 living facilities to be constructed under certain
16 building code; permitting facilities to house certain
17 residents in specified circumstances; defining terms;
18 providing an effective date; and declaring an
19 emergency.

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

21 SECTION 1. AMENDATORY 74 O.S. 2001, Section 324.11, is
22 amended to read as follows:

23 Section 324.11 A. No person, firm, corporation, partnership,
24 organization, city, town, school district, county or other
subdivision of government shall commence the construction or major
alteration of any ~~building~~ buildings or ~~structure~~ structures to be
used as ~~a school~~ schools, ~~hospital~~ hospitals, ~~church~~ churches,

1 ~~asylum~~ asylums, ~~theater~~ theaters, meeting ~~hall~~ halls, ~~hotel~~ hotels,
2 ~~motel~~ motels, apartment ~~house~~ houses, rooming ~~house~~ houses, rest
3 ~~home~~ homes, nursing ~~home~~ homes, day ~~nursery~~ nurseries, convalescent
4 ~~home~~ homes, ~~orphanage~~ orphanages, ~~auditorium~~ auditoriums, assisted
5 living facilities, dormitories, factories, stadiums, or warehouses,
6 including all defined occupancies within these groups, or install
7 original equipment for the operation or maintenance thereof without
8 obtaining a permit. Said permit, for which a charge may be made in
9 conformity with the local ordinance, except as limited herein as to
10 governmental agencies, shall be obtained from the city, town or
11 county in whose jurisdiction the construction or alteration is
12 planned.

13 B. All such construction or alteration so planned shall conform
14 to the applicable provisions of the BOCA National Building Code, as
15 last revised, the Southern Standard Building Code Congress
16 International (SBCCI), the Uniform Building Code (ICBO), ~~or~~ the
17 International Building Code, except that in the event any city, town
18 or county having jurisdiction to issue such permit has adopted by
19 ordinance one of the other building codes designated in Section
20 324.8 of this title, then such construction or alteration shall
21 conform to such other code so adopted.

22 C. Application for such building permit shall be made to, and
23 such building permit shall be issued by, any city, town or county in
24 whose jurisdiction the construction or alteration is planned. The

1 city, town or county may require the submission of plans and
2 specifications covering the proposed construction or alteration and
3 may refuse to issue such permit unless the work so planned is in
4 accordance with the applicable provisions of the city, town or
5 county's building code. In all geographical areas wherein no such
6 permit is required by local authorities such permit must be obtained
7 from the State Fire Marshal, who may require the submission of plans
8 and specifications covering the proposed construction or alteration,
9 and shall refuse to issue such permit unless the work so planned is
10 in accordance with the applicable provisions of said BOCA National
11 Building Code, as last revised, the Southern Standard Building Code
12 Congress International (SBCCI), the Uniform Building Code (ICBO), or
13 the International Building Code; provided that the foregoing
14 provisions of this sentence shall not apply to locations in any
15 geographical area that are owned or operated by a state beneficiary
16 public trust or have been purchased or leased from a state
17 beneficiary public trust.

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

3 E. No city, town or county requested to issue any such permit
4 to any city, town, school district, county or other subdivision of
5 government shall charge, assess or collect any fee or other charge
6 for such permit except the regular and customary inspection fees
7 fixed by ordinance for inspection of the work to be done under such
8 permit, and no other charge, fee or other conditions of any kind
9 under the authority of this title shall be made a condition of or
10 prerequisite to the obtaining of such permit by any such
11 governmental agency.

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

21 G. 1. Notwithstanding anything to the contrary in the
22 International Fire Code and/or International Building Code, all
23 facilities to be licensed as assisted living facilities, or
24 additions to existing assisted living facilities, constructed after

1 November 1, 2008, shall be constructed with the guidelines of the I-
2 II building code if at any time in their operation they house
3 residents who are not capable of responding to emergency situations
4 without physical assistance from staff of the facility or are not
5 capable of self preservation.

6 2. Assisted living facilities licensed prior to the effective
7 date of this act may house residents who are not capable of
8 responding to emergency situations without physical assistance from
9 the staff or are not capable of self preservation under the
10 following conditions: As part of the annual licensure renewal
11 process, the facility shall disclose if any residents who reside in
12 the facility are not capable of responding to emergency situations
13 without physical assistance from staff or are not capable of self
14 preservation, and the facility shall be required to install fire
15 sprinkler protection and an alarm system within the facility in
16 accordance with the building guidelines set forth in the building
17 code for I-II facilities.

18 3. For purposes of this subsection:

19 a. the term "assisted living center" shall include an
20 assisted living center licensed as such by the State
21 Department of Health and the assisted living center
22 component of a continuum care facility licensed by the
23 State Department of Heath, and

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1 b. the terms "International Fire Code" and "International
2 Building Code" shall be deemed to include:

3 (1) any and all appendices, commentary, amendments
4 and supplements to, and replacements or
5 restatements of the Codes, and

6 (2) any and all other laws, ordinances, regulations,
7 codes or standards pertaining to assisted living
8 center construction, occupancy and maintenance
9 for the protection of lives and property from
10 fire.

11 SECTION 2. This act shall become effective July 1, 2008.

12 SECTION 3. It being immediately necessary for the preservation
13 of the public peace, health and safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

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