

THE HOUSE OF REPRESENTATIVES
Tuesday, April 8, 2008

Committee Substitute for
ENGROSSED
Senate Bill No. 2047

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 2047 - By:
NICHOLS of the Senate and BLACKWELL of the House.

An Act relating to state government; amending 74 O.S. 2001, Section 324.11, which relates to building permits; adding certain structures required to have certain type of building permit; requiring certain type of assisted living facilities to be constructed under certain building code; setting certain conditions for certain facilities to be constructed; adding assisted living center to certain continuum care facilities licensed by the Oklahoma State Department of Health; providing additional meanings to certain terms; providing an effective date; and declaring an emergency.

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

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

3 Section 324.11 A. No person, firm, corporation, partnership, organization, city,
4 town, school district, county or other subdivision of government shall commence the
5 construction or major alteration of any ~~building~~ buildings or ~~structure~~ structures to be
6 used as a ~~school~~ schools, ~~hospital~~ hospitals, ~~church~~ churches, ~~asylum~~ asylums, ~~theater~~
7 theaters, meeting ~~hall~~ halls, ~~hotel~~ hotels, ~~motel~~ motels, apartment ~~house~~ houses, rooming
8 ~~house~~ houses, rest ~~home~~ homes, nursing ~~home~~ homes, day ~~nursery~~ nurseries,

1 convalescent ~~home~~ homes, ~~orphanage~~ orphanages, ~~auditorium~~ auditoriums, assisted
2 living facilities, dormitories, factories, stadiums, or warehouses, including all defined
3 occupancies within these groups, or install original equipment for the operation or
4 maintenance thereof without obtaining a permit. Said permit, for which a charge may be
5 made in conformity with the local ordinance, except as limited herein as to governmental
6 agencies, shall be obtained from the city, town or county in whose jurisdiction the
7 construction or alteration is planned.

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

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

1 proposed construction or alteration, and shall refuse to issue such permit unless the work
2 so planned is in accordance with the applicable provisions of said BOCA National
3 Building Code, as last revised, the Southern Standard Building Code Congress
4 International (SBCCI), the Uniform Building Code (ICBO), or the International Building
5 Code.

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

13 E. No city, town or county requested to issue any such permit to any city, town,
14 school district, county or other subdivision of government shall charge, assess or collect
15 any fee or other charge for such permit except the regular and customary inspection fees
16 fixed by ordinance for inspection of the work to be done under such permit, and no other
17 charge, fee or other conditions of any kind under the authority of this title shall be made
18 a condition of or prerequisite to the obtaining of such permit by any such governmental
19 agency.

20 F. No bids may be let for the construction or major alteration of any correctional
21 facility as defined by Section 317 of this title until plans and specifications for such
22 construction or alteration have been submitted to the State Fire Marshal for approval.

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 The State Fire Marshal shall approve said plans and specifications if the work so
2 planned conforms with the applicable provisions of the BOCA National Building Code, as
3 last revised, the Southern Standard Building Code Congress International (SBCCI), the
4 Uniform Building Code (ICBO), or the International Building Code.

5 G. 1. Notwithstanding anything to the contrary in the International Fire Code
6 and/or International Building Code, all facilities to be licensed as assisted living
7 facilities, or additions to existing assisted living facilities, constructed after November 1,
8 2008, shall be constructed with the guidelines of the I-II building code if at any time in
9 their operation they house residents who are not capable of responding to emergency
10 situations without physical assistance from staff of the facility or are not capable of self
11 preservation;

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

21 3. For purposes of this subsection:

- 1 a. the term “assisted living center” shall include an assisted living center
2 licensed as such by the State Department of Health and the assisted
3 living center component of a continuum care facility licensed by the
4 State Department of Health, and
5 b. the terms “International Fire Code” and “International Building Code”
6 shall be deemed to include:
7 (1) any and all appendices, commentary, amendments and
8 supplements to, and replacements or restatements of, said
9 Codes, and
10 (2) any and all other laws, ordinances, regulations, codes or
11 standards pertaining to assisted living center construction,
12 occupancy and maintenance for the protection of lives and
13 property from fire.

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

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

18 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 04-07-08 - DO
19 PASS, As Amended.