

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 HOUSE BILL 2695

By: Tibbs and Smithson of the  
House

6 and

7 Barrington of the Senate

8  
9 COMMITTEE SUBSTITUTE

10 An Act relating to state government; amending 74 O.S.  
11 2001, Section 324.11, as last amended by Section 21,  
12 Chapter 439, O.S.L. 2009 (74 O.S. Supp. 2009, Section  
13 324.11), which relates to building permits required  
14 before commencement of construction or major  
15 alteration of buildings or structures; allowing for  
16 alternate fire sprinkler protection for certain  
17 assisted living facilities; and providing an  
18 effective date.

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

20 SECTION 1. AMENDATORY 74 O.S. 2001, Section 324.11, as  
21 last amended by Section 21, Chapter 439, O.S.L. 2009 (74 O.S. Supp.  
22 2009, Section 324.11), is 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 buildings or structures to be used as schools,

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

12 B. All such construction or alteration so planned shall conform  
13 to the applicable provisions of the building code, as last adopted  
14 by the Oklahoma Uniform Building Code Commission.

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

1 and specifications covering the proposed construction or alteration,  
2 and shall refuse to issue such permit unless the work so planned is  
3 in accordance with the applicable provisions of the building code,  
4 as last adopted by the Oklahoma Uniform Building Code Commission;  
5 provided, that the foregoing provisions of this sentence shall not  
6 apply to locations in any geographical area that are owned or  
7 operated by a state beneficiary public trust or have been purchased  
8 or leased from a state beneficiary public trust.

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

17 E. No city, town or county requested to issue any such permit  
18 to any city, town, school district, county or other subdivision of  
19 government shall charge, assess or collect any fee or other charge  
20 for such permit except the regular and customary inspection fees  
21 fixed by ordinance for inspection of the work to be done under such  
22 permit, and no other charge, fee or other conditions of any kind  
23 under the authority of this title shall be made a condition of or  
24

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

3 F. No bids may be let for the construction or major alteration  
4 of any correctional facility as defined by Section 317 of this title  
5 until plans and specifications for such construction or alteration  
6 have been submitted to the State Fire Marshal for approval. The  
7 State Fire Marshal shall approve said plans and specifications if  
8 the work so planned conforms with the applicable provisions of the  
9 building code, as last adopted by the Oklahoma Uniform Building Code  
10 Commission.

11 G. 1. Notwithstanding anything to the contrary in the fire  
12 code and/or building code, as last adopted by the Oklahoma Uniform  
13 Building Code Commission, all facilities to be licensed as assisted  
14 living facilities, or additions to existing assisted living  
15 facilities, constructed after November 1, 2008, shall be constructed  
16 with the guidelines of the I-II building occupancies if at any time  
17 in their operation they house residents who are not capable of  
18 responding to emergency situations without physical assistance from  
19 staff of the facility or are not capable of self preservation.

20 2. Assisted living facilities licensed prior to ~~the effective~~  
21 ~~date of this act~~ July 1, 2008, may house residents who are not  
22 capable of responding to emergency situations without physical  
23 assistance from the staff or are not capable of self preservation  
24 under the following conditions: As part of the annual licensure

1 renewal process, the facility shall disclose if any residents who  
2 reside in the facility are not capable of responding to emergency  
3 situations without physical assistance from staff or are not capable  
4 of self preservation, and the facility shall be required to install  
5 fire sprinkler protection and an alarm system within the facility in  
6 accordance with the building guidelines set forth in the building  
7 code for I-II facilities.

8       3. Assisted living facilities licensed to house six or fewer  
9 residents prior to July 1, 2008, shall be permitted to install 13D  
10 or 13R fire sprinkler protection in lieu of meeting I-II  
11 requirements, with approval of the municipal fire marshal or  
12 compliance with local codes.

13       4. For purposes of this subsection:

14           a. the term "assisted living center" shall include an  
15           assisted living center licensed as such by the State  
16           Department of Health and the assisted living center  
17           component of a continuum care facility licensed by the  
18           State Department of Health, and

19           b. the terms "fire code" and "building code" shall be  
20           deemed to include:

21               (1) any and all appendices, commentary, amendments  
22               and supplements to, and replacements or  
23               restatements of the Codes, and

24

1 (2) any and all other laws, ordinances, regulations,  
2 codes or standards pertaining to assisted living  
3 center construction, occupancy and maintenance  
4 for the protection of lives and property from  
5 fire.

6 SECTION 2. This act shall become effective November 1, 2010.

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