

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2695

By: Tibbs

4
5 AS INTRODUCED

6 An Act relating to state government; amending 74 O.S.
7 2001, Section 324.11, as last amended by Section 21,
8 Chapter 439, O.S.L. 2009 (74 O.S. Supp. 2009, Section
9 324.11), which relates to building permits required
10 before commencement of construction or major
11 alteration of buildings or structures; providing
12 exemption from fire sprinkler requirement for certain
13 assisted living facilities; and providing an
14 effective date.

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

16 SECTION 1. AMENDATORY 74 O.S. 2001, Section 324.11, as
17 last amended by Section 21, Chapter 439, O.S.L. 2009 (74 O.S. Supp.
18 2009, Section 324.11), is amended to read as follows:

19 Section 324.11 A. No person, firm, corporation, partnership,
20 organization, city, town, school district, county or other
21 subdivision of government shall commence the construction or major
22 alteration of any buildings or structures to be used as schools,
23 hospitals, churches, asylums, theaters, meeting halls, hotels,
24 motels, apartment houses, rooming houses, rest homes, nursing homes,
day nurseries, convalescent homes, orphanages, auditoriums, assisted

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

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

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

1 as last adopted by the Oklahoma Uniform Building Code Commission;
2 provided, that the foregoing provisions of this sentence shall not
3 apply to locations in any geographical area that are owned or
4 operated by a state beneficiary public trust or have been purchased
5 or leased from a state beneficiary public trust.

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

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

23 F. No bids may be let for the construction or major alteration
24 of any correctional facility as defined by Section 317 of this title

1 until plans and specifications for such construction or alteration
2 have been submitted to the State Fire Marshal for approval. The
3 State Fire Marshal shall approve said plans and specifications if
4 the work so planned conforms with the applicable provisions of the
5 building code, as last adopted by the Oklahoma Uniform Building Code
6 Commission.

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

16 2. Assisted living facilities licensed prior to ~~the effective~~
17 ~~date of this act~~ July 1, 2008, may house residents who are not
18 capable of responding to emergency situations without physical
19 assistance from the staff or are not capable of self preservation
20 under the following conditions: As part of the annual licensure
21 renewal process, the facility shall disclose if any residents who
22 reside in the facility are not capable of responding to emergency
23 situations without physical assistance from staff or are not capable
24 of self preservation, and the facility shall be required to install

1 fire sprinkler protection and an alarm system within the facility in
2 accordance with the building guidelines set forth in the building
3 code for I-II facilities.

4 3. Assisted living facilities licensed to house six or fewer
5 residents prior to July 1, 2008, shall be exempt from the
6 requirement to install fire sprinkler protection. Such facilities
7 shall inform the resident, or the personally appointed
8 representative of the resident, on a form approved by the State
9 Department of Health that the facility does not have a fire
10 sprinkler system.

11 4. For purposes of this subsection:

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

17 b. the terms "fire code" and "building code" shall be
18 deemed to include:

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

22 (2) any and all other laws, ordinances, regulations,
23 codes or standards pertaining to assisted living
24 center construction, occupancy and maintenance

1 for the protection of lives and property from
2 fire.

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