

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 2659

By: Jordan of the House

and

Newberry of the Senate

6 An Act relating to professions and occupations;
7 amending 59 O.S. 2011, Sections 1000.23 and 1000.25,
8 which relate to the Oklahoma Uniform Building Code
9 Commission Act; prohibiting municipalities and other
10 political subdivisions from requiring installation of
11 automatic residential fire sprinkler systems in
12 certain dwellings; requiring fees be remitted to the
13 Commission within time prescribed; providing for late
14 fee; requiring semiannual report; and providing an
15 effective date.

12 AMENDMENT NO. 1. Page 1, strike the title to read

13 "[professions and occupations - residential fire
14 sprinkler systems - effective date]"

15 Passed the Senate the 23rd day of April, 2012.

17 _____
18 Presiding Officer of the Senate

19 Passed the House of Representatives the ____ day of _____,
20 2012.

22 _____
23 Presiding Officer of the House
24 of Representatives

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12 automatic residential fire sprinkler systems in
13 certain dwellings; requiring fees be remitted to the
14 Commission within time prescribed; providing for late
15 fee; requiring semiannual report; and providing an
16 effective date.

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

18 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1000.23, is
19 amended to read as follows:

20 Section 1000.23 A. The Oklahoma Uniform Building Code
21 Commission shall have the power and the duty to review and adopt all
22 building codes for residential and commercial construction to be
23 used by all entities within this state. Codes and standards adopted
24 by the Commission shall be the minimum standards for residential and
25 commercial construction in this state.

26 B. All public projects shall abide by such minimum standards
27 and requirements; provided, nothing in this act shall prevent or

1 take away from state agencies the authority to enact and enforce
2 requirements containing higher standards and requirements than such
3 minimum standards and requirements.

4 C. Municipalities and other political subdivisions shall abide
5 by such minimum standards and requirements; provided, nothing in
6 this act shall prevent or take away from such municipalities and
7 other political subdivisions the authority to enact and enforce
8 requirements containing higher standards and requirements than such
9 minimum standards and requirements.

10 D. Notwithstanding any other provision of law, no municipality
11 or other political subdivision shall require the installation of an
12 automatic residential fire sprinkler system in one- and two-family
13 dwelling.

14 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1000.25, is
15 amended to read as follows:

16 Section 1000.25 A. The Oklahoma Uniform Building Code
17 Commission shall establish a system of fees to be charged for the
18 issuance and renewal of any construction permits issued by any
19 agency, municipality, or other political subdivision of this state.

20 B. This provision is subject to the following limitations:

21 1. No schedule of fees may be established or amended by the
22 Commission except during such times as the Legislature is in
23 session; provided, the Commission may establish or amend a schedule
24 of fees at a time when the Legislature is not in session if the fees

1 or schedule of fees has been specifically authorized by the
2 Legislature pursuant to paragraphs 2 and 3 of this subsection. The
3 Commission must follow the procedures required by Article I of the
4 Administrative Procedures Act for adoption of rules in establishing
5 or amending any such schedule of fees;

6 2. The Commission shall charge fees for building permits and
7 renewal of such permits issued by any state agency, municipality, or
8 other political subdivision of this state which authorized work
9 governed by codes within the purview of the Commission only within
10 the following ranges:

11 For issuance of permit not to exceed \$5.00

12 For renewal of permit not to exceed \$5.00

13 Fees shall be remitted to the Oklahoma Uniform Building Code
14 Commission thirty (30) days after the end of the preceding calendar
15 month. Past-due payments shall be charged a late fee of one percent
16 (1%) per month until paid. The Oklahoma Uniform Building Code
17 Commission shall report to the Governor, President Pro Tempore of
18 the Senate and the Speaker of the House semiannually its
19 collections, past-due charges, late-fee assessments and late-fee
20 collections for the six (6) months preceding the report;

21 3. ~~Such fees~~ Fees shall be collected by any state agency,
22 municipality or other political subdivision issuing construction
23 permits within this state. The fees shall be deposited in an
24 account created by the collecting entity for that purpose;

1 4. The state agency, municipality or other political
2 subdivision shall remit the monies in the account on a monthly basis
3 directly to the State Treasury for deposit in the Oklahoma Uniform
4 Building Code Commission Revolving Fund created pursuant to Section
5 ~~10~~ 1000.28 of this ~~act~~ title. Along with the deposits required by
6 this paragraph, each state agency, municipality or other political
7 subdivision shall also submit a report stating the total amount of
8 funds collected and the total number of fees imposed during the
9 preceding month. The report shall be made on computerized or manual
10 disposition reports as provided by rule of the Commission;

11 5. ~~Deposits to the Oklahoma Uniform Building Code Commission~~
12 ~~Revolving Fund shall be due on the twentieth day of each month for~~
13 ~~the fees collected during the preceding calendar month. There shall~~
14 ~~be a late fee imposed for failure to make timely deposits. The~~
15 ~~Oklahoma Uniform Building Code Commission, in its discretion, may~~
16 ~~waive all or part of the late fee. Such late fee shall be one~~
17 ~~percent (1%) of the principal amount due per day beginning from the~~
18 ~~tenth day after payment is due and accumulating until the late fee~~
19 ~~reaches one hundred percent (100%) of the principal amount due;~~

20 6. Any state agency, municipality or other political
21 subdivision collecting and remitting fees pursuant to this section
22 may levy a fee up to fifty cents ~~(\$.50)~~ (\$0.50) for every
23 construction permit or renewal permit issued. These monies shall be
24 deposited into an account for the sole use of the state agency,

1 municipality or other political subdivision. The state agency,
2 municipality or other political subdivision shall state the total
3 amount of funds collected and the total number of fees imposed to
4 the State Treasury in the report required by paragraph 4 of this
5 ~~section~~ subsection;

6 ~~7.~~ 6. It shall be the responsibility of the state agency,
7 municipality or other political subdivision to account for and
8 ensure the correctness and accuracy of payments made to the State
9 Treasury pursuant to this title; and

10 ~~8.~~ 7. Funds collected by a state agency, municipality or other
11 political subdivision and remitted to the State Treasury pursuant to
12 the Oklahoma Uniform Building Code Commission Act shall be deposited
13 in the Oklahoma Uniform Building Code Commission Revolving Fund and
14 shall be used solely for the purposes of the Oklahoma Uniform
15 Building Code Commission Act.

16 SECTION 3. This act shall become effective November 1, 2012.

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Passed the House of Representatives the 5th day of March, 2012.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2012.

Presiding Officer of the Senate