

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 417

6 By: Newberry of the Senate

7 and

8 McCullough of the House

9 COMMITTEE SUBSTITUTE

10 An Act relating to the Oklahoma Uniform Building Code
11 Commission Act; amending 59 O.S. 2011, Sections
12 1000.20, 1000.21, 1000.23 and 1000.25, as amended by
13 Section 1, Chapter 317, O.S.L. 2012 (59 O.S. Supp.
14 2013, Section 1000.25), which relate to short title,
15 Commission membership, powers of the Commission and
16 system of fees; modifying references; clarifying
17 language; excepting certain terms from term limits;
18 providing for certain training and certification by
19 certain date; directing the Commission to promulgate
20 certain rules to certain purpose; removing late fees;
21 providing an effective date; and declaring an
22 emergency.

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

24 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1000.20, is
amended to read as follows:

Section 1000.20. Sections ~~2~~ 1000.20 through ~~11~~ 1000.29 of this
~~act~~ title shall be known and may be cited as the "Oklahoma Uniform
Building Code Commission Act".

1 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1000.21, is
2 amended to read as follows:

3 Section 1000.21. A. 1. There is hereby created the Oklahoma
4 Uniform Building Code Commission within the Construction Industries
5 Board which shall consist of eleven (11) members, nine of whom shall
6 be appointed by the Governor with the advice and consent of the
7 Senate as follows:

8 a. one member who is a general contractor from a
9 statewide organization that represents residential
10 construction,

11 b. one member who is a general contractor from a
12 statewide organization that represents commercial
13 construction,

14 c. one member who is a contractor from a statewide
15 organization that represents electrical contractors,

16 d. one member who is a contractor from a statewide
17 organization that represents plumbing contractors,

18 e. one member who is a contractor from a statewide
19 organization that represents heating and cooling
20 contractors,

21 f. one member who is a local-level regulator/inspector
22 who is a member of a statewide organization that is
23 exempt from taxation under federal law and designated
24 pursuant to the provisions of the Internal Revenue

1 Code, 26 U.S.C., Section 170(a), who has represented
2 municipalities and had statutory functions for
3 municipalities for at least fifteen (15) years prior
4 to November 1, 2005,

5 g. one member who is a Certified Building Official
6 employed by a political subdivision,

7 h. one member who is a licensed architect from a
8 statewide organization that represents architects, and

9 i. one member who is from the insurance industry with
10 knowledge of building codes and experience in property
11 loss mitigation.

12 2. ~~Such~~ The members shall be appointed for staggered terms of
13 four (4) years; ~~provided, of those members initially appointed to~~
14 ~~the Commission, three members shall be appointed for one (1) year,~~
15 ~~beginning July 1, 2009, two members shall be appointed for two (2)~~
16 ~~years, beginning July 1, 2009, two members shall be appointed for~~
17 ~~three (3) years beginning, July 1, 2009, and two members who shall~~
18 ~~be appointed for four (4) years, beginning July 1, 2009. A full~~
19 term of office for purposes of determining term limits provided in
20 subsection C of this section shall be the completion of a full four-
21 year term of appointment.

22 B. The remaining two members of the Commission shall be the
23 State Fire Marshal, or a designee, and an appointee of the
24 Construction Industries Board.

1 C. Appointed members shall continue in office until a successor
2 is appointed by the Governor, notwithstanding the term limitations.
3 No appointed member shall serve more than two consecutive full four-
4 year terms; provided, such a member shall be eligible to serve until
5 a successor is appointed, and such member may be reappointed after a
6 two-year absence from the Commission. The Governor shall fill all
7 vacancies and unexpired terms in the same manner as the original
8 appointment of the member whose position is to be filled. ~~Such~~
9 members No initial appointment to a term of less than four (4) years
10 or any partial-term appointment to fill a vacancy or unexpired term
11 of another member shall be counted for purposes of determining term
12 limits. An appointed member may be removed by the Governor for
13 cause.

14 D. Whenever a member of the Commission is absent from more than
15 one-half of all meetings of the governing body, regular and special,
16 held within any period of twelve (12) consecutive months, the member
17 shall thereupon cease to hold office by operation of law.

18 SECTION 3. 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
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1 by the Commission shall be the minimum standards for residential and
2 commercial construction in this state.

3 B. All public projects shall abide by such minimum standards
4 and requirements; provided, nothing in ~~this act~~ the Oklahoma Uniform
5 Building Code Commission Act shall prevent or take away from state
6 agencies the authority to enact and enforce requirements containing
7 higher standards and requirements than such minimum standards and
8 requirements.

9 C. Municipalities and other political subdivisions shall abide
10 by such minimum standards and requirements; provided, nothing in
11 ~~this act~~ the Oklahoma Uniform Building Code Commission Act shall
12 prevent or take away from such municipalities and other political
13 subdivisions the authority to enact and enforce requirements
14 containing higher standards and requirements than such minimum
15 standards and requirements.

16 D. The Oklahoma Uniform Building Code Commission shall have the
17 power and duty to establish a training and certification process for
18 all residential and commercial building code inspectors. Each
19 inspector operating in this state on behalf of any state agency or
20 any municipal or county office shall be required to complete
21 training and be issued a certification for inspections by the
22 Uniform Building Code Commission on and after January 1, 2015. The
23 training and certification applications, qualifications and
24 procedures shall be promulgated by rules of the Commission. The

1 Commission is authorized to establish by rule any application and
2 certification fees and a schedule of administrative fines for
3 violations of training requirements, failure to be certified, or
4 violation. The Commission may further establish any necessary
5 rules, forms and procedures to implement, administer and enforce the
6 provisions of this section.

7 SECTION 4. AMENDATORY 59 O.S. 2011, Section 1000.25, as
8 amended by Section 1, Chapter 317, O.S.L. 2012 (59 O.S. Supp. 2013,
9 Section 1000.25), is amended to read as follows:

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

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

15 1. No schedule of fees may be established or amended by the
16 Commission except during such times as the Legislature is in
17 session; provided, the Commission may establish or amend a schedule
18 of fees at a time when the Legislature is not in session if the fees
19 or schedule of fees has been specifically authorized by the
20 Legislature pursuant to paragraphs 2 and 3 of this subsection. The
21 Commission must follow the procedures required by Article I of the
22 Administrative Procedures Act for adoption of rules in establishing
23 or amending any such schedule of fees;

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1 paragraph, each state agency, municipality or other political
2 subdivision shall also submit a report stating the total amount of
3 funds collected and the total number of fees imposed during the
4 preceding month. The report shall be made on computerized or manual
5 disposition reports as provided by rule of the Commission;

6 5. Any state agency, municipality or other political
7 subdivision collecting and remitting fees pursuant to this section
8 may levy a fee up to fifty cents (\$0.50) for every construction
9 permit or renewal permit issued. These monies shall be deposited
10 into an account for the sole use of the state agency, municipality
11 or other political subdivision. The state agency, municipality or
12 other political subdivision shall state the total amount of funds
13 collected and the total number of fees imposed to the State Treasury
14 in the report required by paragraph 4 of this subsection;

15 6. It shall be the responsibility of the state agency,
16 municipality or other political subdivision to account for and
17 ensure the correctness and accuracy of payments made to the State
18 Treasury pursuant to this title; and

19 7. Funds collected by a state agency, municipality or other
20 political subdivision and remitted to the State Treasury pursuant to
21 the Oklahoma Uniform Building Code Commission Act shall be deposited
22 in the Oklahoma Uniform Building Code Commission Revolving Fund and
23 shall be used solely for the purposes of the Oklahoma Uniform
24 Building Code Commission Act.

1 SECTION 5. This act shall become effective July 1, 2014.

2 SECTION 6. It being immediately necessary for the preservation
3 of the public peace, health and safety, an emergency is hereby
4 declared to exist, by reason whereof this act shall take effect and
5 be in full force from and after its passage and approval.

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