

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2895

By: Morrissette

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6 AS INTRODUCED

7 An Act relating to building structures; creating the  
8 Oklahoma Home Safe Initiative of 2014; directing that  
9 certain rate filings include certain discounts or  
10 reductions; amending 59 O.S. 2011, Section 1000.23,  
11 which relates to the Oklahoma Uniform Building Code  
12 Commission Act; requiring adoption of certain minimum  
13 standards of construction; providing certain  
14 findings; creating tax credits for high-wind-tolerant  
15 residential structure retrofits and new construction;  
16 limiting credits; providing for carryover of credits;  
17 providing for codification; providing for  
18 noncodification; and providing an effective date.

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

20 SECTION 1. NEW LAW A new section of law not to be  
21 codified in the Oklahoma Statutes reads as follows:

22 This act shall be known and may be cited as the "Oklahoma Home  
23 Safe Initiative of 2014".

24 SECTION 2. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 987.1 of Title 36, unless there  
is created a duplication in numbering, reads as follows:

A rate filing for residential property insurance must include  
actuarially reasonable discounts, credits or other rate

1 differentials, or appropriate reductions in deductibles, for  
2 properties where fixtures or construction techniques have been  
3 installed or implemented that can withstand winds up to two hundred  
4 (200) miles per hour and above as can be independently verified by  
5 or referenced to known high-wind tolerances by the University of  
6 Oklahoma Donald G. Fears Structural Engineering Laboratory. The  
7 fixtures or construction techniques shall include, but not be  
8 limited to, fixtures or construction techniques which enhance roof  
9 strength, roof-covering performance, roof-to-wall strength, wall-to-  
10 floor-to-foundation strength, opening protection, and window, garage  
11 door and skylight strength.

12 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1000.23, is  
13 amended to read as follows:

14 Section 1000.23 A. The Oklahoma Uniform Building Code  
15 Commission shall have the power and the duty to review and adopt all  
16 building codes for residential and commercial construction to be  
17 used by all entities within this state. Codes and standards adopted  
18 by the Commission shall be the minimum standards for residential and  
19 commercial construction in this state with the exception of high-  
20 wind standards which shall be greater than minimum standards for  
21 residential and commercial construction as can be independently  
22 verified by or referenced to known high-wind tolerances by the  
23 University of Oklahoma Donald G. Fears Structural Engineering  
24 Laboratory. It is the finding of the Oklahoma Geological Survey

1 that Oklahoma soil composition and drainage pose no greater  
2 challenge to the construction of basements in Oklahoma than any  
3 other soil composition or drainage.

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

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

16 SECTION 4. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 2357.32C of Title 68, unless  
18 there is created a duplication in numbering, reads as follows:

19 A. For taxable years beginning after December 31, 2014, there  
20 shall be allowed against the tax imposed by Section 2355 of Title 68  
21 of the Oklahoma Statutes, a credit for any individual taxpayer who:

22 1. Owns an existing residential structure which prior to  
23 retrofitting was rated to withstand at least ninety-mile-per-hour  
24 winds but less than two-hundred-mile-per-hour winds; and

1           2. Retrofits the residential structure to meet the continuous  
2 load path definition of metal connectors in place from the roof to  
3 the foundation installed at all connecting intersections to include  
4 roof framing rafters and trusses connected to the top and bottom of  
5 wall studs on all levels, and attaches or reattaches the bottom  
6 floor of the residential structure to the foundation with mudsill  
7 anchors or anchor bolts.

8           B. The amount of the credit permitted by subsection A of this  
9 section shall be equal to one-third (1/3) the expense incurred by  
10 the residential structure owner for labor and materials, excluding  
11 any costs associated with inspections of the property by a licensed  
12 building inspector. Each individual taxpayer is limited to one  
13 credit authorized by subsection A of this section.

14           C. For taxable years beginning after December 31, 2014, there  
15 shall be allowed against the tax imposed by Section 2355 of Title 68  
16 of the Oklahoma Statutes, a credit for any individual taxpayer who  
17 incurs costs related to new construction of high-wind-resistant or  
18 high-wind-tolerant residential structures and outbuildings, when:

19           1. The structures and outbuildings are tested to show the  
20 ability to withstand wind speeds of two hundred (200) miles per  
21 hour; or

22           2. The structures and outbuildings are constructed of materials  
23 known to be high-wind resistant or high-wind tolerant, such as  
24 concrete or wooden block.

1 D. The amount of the credit permitted by subsection C of this  
2 section shall not exceed Five Thousand Dollars (\$5,000.00). Each  
3 individual taxpayer is limited to one credit authorized by  
4 subsection C of this section.

5 E. If the allowable tax credits permitted by subsections A and  
6 C of this section exceed the taxes otherwise due under Title 68 of  
7 the Oklahoma Statutes on the income of the claimant, or if there are  
8 no taxes due under Title 68 of the Oklahoma Statutes, the taxpayer  
9 may carry over the amount of the claim not used for not more than  
10 five (5) consecutive taxable years to offset the taxes under Title  
11 68 of the Oklahoma Statutes in those years.

12 SECTION 5. This act shall become effective November 1, 2014.

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