

1 **SENATE FLOOR VERSION**

2 March 1, 2018

3 SENATE BILL NO. 1555

By: Dugger

4
5
6
7 An Act relating to the Oklahoma Inspectors Act;
8 amending 59 O.S. 2011, Section 1033, as amended by
9 Section 1, Chapter 346, O.S.L. 2017 (59 O.S. Supp.
10 2017, Section 1033), which relates to definitions;
11 modifying definition of provisional license; removing
12 definition of report writer; amending 59 O.S. 2011,
13 Section 1035, which relates to the Oklahoma Inspector
14 Examiners Committee; adding circuit rider program to
15 duties; amending 59 O.S. 2011, Section 1036, as
16 amended by Section 2, Chapter 346, O.S.L. 2017 (59
17 O.S. Supp. 2017, Section 1036), which relates to
18 provisional licenses; modifying language providing
19 for certain license; providing requirement for use of
20 certain license; amending 59 O.S. 2011, Section 1038,
21 as amended by Section 3, Chapter 346, O.S.L. 2017 (59
22 O.S. Supp. 2017, Section 1038), which relates to
23 licenses; modifying certain reference; and providing
24 an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 1033, as
amended by Section 1, Chapter 346, O.S.L. 2017 (59 O.S. Supp. 2017,
Section 1033), is amended to read as follows:

Section 1033. As used in the Oklahoma Inspectors Act:

1. "Board" means the Construction Industries Board;

1 2. "Committee" means the Oklahoma Inspector Examiners

2 Committee;

3 3. "Building and construction inspection" means the inspection
4 of plumbing, electrical, mechanical or structural aspects of
5 building and construction, for the purpose of enforcing compliance
6 with the applicable building codes or standards;

7 4. "Building and construction inspector" means any person
8 actively engaged in the inspection of any phase of building and
9 construction by the political subdivision having managerial and
10 superintending control over building codes as the code official for
11 the purpose of enforcing and having the authority to enforce
12 compliance with the applicable building codes or standards and
13 includes, but is not limited to, plumbing inspectors, electrical
14 inspectors, mechanical inspectors and structural building
15 inspectors;

16 5. "Building official" means the licensed employee code
17 official having the duty to administer and the authority to enforce
18 building codes in the political subdivision;

19 6. "Certification" means successful passage of an examination
20 by a Committee-approved national certification program in a license
21 category pursuant to the Oklahoma Inspectors Act;

22 7. "Circuit rider inspector" means a person who acts as a
23 building and construction inspector for two or more municipalities
24

1 or other political subdivisions and is certified and licensed
2 pursuant to the Oklahoma Inspectors Act;

3 8. "Inactive building and construction inspector" means a
4 previously licensed building and construction inspector, having
5 successfully passed an examination by a Committee-approved national
6 certification program, who is currently not employed by a political
7 subdivision and therefore does not meet all requirements of the
8 Oklahoma Inspectors Act to perform building and construction
9 inspections pursuant to the Oklahoma Inspectors Act until all
10 requirements are met;

11 9. "Provisional license" means a license issued to a building
12 and construction inspector who is an employee of a political
13 subdivision on a provisional basis, under the supervision of a
14 licensed mentor and limited to a maximum of ~~two (2) years~~ six (6)
15 months in each license category for the purpose of enabling an
16 applicant to meet the certification requirements;

17 ~~10. "Report writer" means any person or agency designated by a~~
18 ~~political subdivision having managerial and superintending control~~
19 ~~over building codes as a report writer for purposes of furnishing~~
20 ~~report-writing services on behalf of the building official. This~~
21 ~~person must be approved by the building official or designated code~~
22 ~~official, provided he or she has no conflict of interest and~~
23 ~~satisfies the requirements of the political subdivision as to~~
24 ~~qualifications, ethical standards and reliability in the process and~~

1 ~~services. The individual's furnished written reports shall be~~
2 ~~provided and acceptable to the building official, designated code~~
3 ~~official or political subdivision for final code evaluation; and~~

4 ~~11.~~ 10. "Authorized agent" means one who is not a governmental
5 employee but an independent contractor who, through contract, is
6 designated by a political subdivision that issues building permits
7 and who meets the requirements under the Oklahoma Inspectors Act and
8 rules promulgated on the requirements of such licensure.

9 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1035, is
10 amended to read as follows:

11 Section 1035. The Oklahoma Inspector Examiners Committee shall
12 have the power and duty:

13 1. To assist the Construction Industries Board in certifying,
14 licensing and otherwise regulating persons employed as building and
15 construction inspectors;

16 2. To assist the Board in establishing and administering
17 examinations to applicants for an Oklahoma inspector's license;

18 3. To assist the Board in prescribing and adopting forms for
19 certification and licensure applications;

20 4. To assist the Board by making recommendations concerning
21 rules which establish standards of performance for building and
22 construction inspectors;

23 5. To assist the Board in determining whether certification by
24 a national certification program or licensing by another

1 governmental entity should be approved as a substitute for a
2 successful completion of the Oklahoma Inspector's Examination;

3 6. To investigate alleged violations of the provisions of the
4 Oklahoma Inspectors Act and of any rules promulgated pursuant
5 thereto; ~~and~~

6 7. To have such other powers and duties as are necessary to
7 implement the Oklahoma Inspectors Act; and

8 8. To fund and develop a circuit rider program to enable
9 political subdivisions over ten thousand (10,000) and under sixty-
10 five thousand (65,000) in population to share building and
11 construction inspectors in order to comply with Section 1041 of this
12 title.

13 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1036, as
14 amended by Section 2, Chapter 346, O.S.L. 2017 (59 O.S. Supp. 2017,
15 Section 1036), is amended to read as follows:

16 Section 1036. A. Applicants for certification and license
17 shall:

18 1. Show proof of certification by successful completion of an
19 examination approved by the Oklahoma Inspector Examiners Committee;
20 and

21 2. Be employed by a political subdivision.

22 The Board shall issue a license to any person who has met the
23 requirements of paragraphs 1 and 2 of this subsection and who has
24 paid the fees required by the Oklahoma Inspectors Act and has

1 otherwise complied with the applicable requirements of the Oklahoma
2 Inspectors Act. Provided, the Board may issue a one-time
3 provisional license limited to ~~two (2) years~~ six (6) months to
4 enable an applicant to meet the licensing requirements of this
5 subsection while seeking certification by examination. If a
6 provisional one-time license is used, a supervisor who holds a
7 license shall review and sign the report.

8 B. Examinations shall be uniform and shall be practical in
9 nature but shall be sufficiently strict to test the qualifications
10 and fitness of the applicant as a building and construction
11 inspector. The examination shall be in whole or in part in writing.
12 Examination dates shall be set by the Committee or by the
13 examination provider. Any applicant failing to pass the examination
14 shall not be permitted to take another examination for a period of
15 thirty (30) days, and thereafter any such applicants subsequently
16 failing to pass the examination shall not be permitted to take a
17 subsequent examination for a period of ninety (90) days.

18 C. All licenses shall be nontransferable and it shall be
19 unlawful for any holder of a license issued pursuant to the Oklahoma
20 Inspectors Act to loan or allow the use of such license by any other
21 person, firm or corporation.

22 SECTION 4. AMENDATORY 59 O.S. 2011, Section 1038, as
23 amended by Section 3, Chapter 346, O.S.L. 2017 (59 O.S. Supp. 2017,
24 Section 1038), is amended to read as follows:

1 Section 1038. A. Other than ~~two-year~~ six (6) month provisional
2 licenses, no license shall be issued for longer than one (1) year
3 and all licenses shall expire on the birth date of the licensee.
4 The Construction Industries Board shall establish by rule a method
5 for prorating license fees to coincide with the birth date of the
6 licensee.

7 B. An application for the renewal of a license which is
8 received more than thirty (30) days following the date of expiration
9 and which is accompanied by a fee established pursuant to Section
10 1000.5 of this title, and proof of current continuing education
11 requirements, may be accepted and the license reissued without
12 examination.

13 C. The fee for late renewal and the continuing education
14 requirements shall not be required of any holder of a license which
15 expires while such holder is in military service, if application for
16 renewal is made within one (1) year following the service discharge
17 of such person.

18 D. If the licensed building and construction inspector is not
19 employed at the time of renewal, the license may be renewed if the
20 applicant is otherwise compliant with the requirements of the
21 Oklahoma Inspectors Act including meeting continuing education
22 requirements; however, the renewal application must reflect the
23 change in employment along with a request to renew as inactive
24 status. An inactive license status may be changed to active status

1 upon notification of employment to the Construction Industries
2 Board.

3 SECTION 5. This act shall become effective November 1, 2018.

4 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
5 March 1, 2018 - DO PASS
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24