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February 27, 2017

By: Newberry

An Act relating to building permits; amending 74 O.S. 2011, Section 324.11, which relates to building permits; setting maximum time period for certain plan reviews; authorizing certain outsource for plan review; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2011, Section 324.11, is amended to read as follows:

Section 324.11. A. No person, firm, corporation, partnership, organization, city, town, school district, county or other subdivision of government shall commence the construction or major alteration of any buildings or structures to be used as schools, hospitals, churches, asylums, theaters, meeting halls, hotels, motels, apartment houses, rooming houses, rest homes, nursing homes, day nurseries, convalescent homes, orphanages, auditoriums, assisted living facilities, dormitories, factories, stadiums, or warehouses, including all defined occupancies within these groups, or install original equipment for the operation or maintenance thereof without obtaining a permit. Said permit, for which a charge may be made in

1 conformity with the local ordinance, except as limited herein as to
2 governmental agencies, shall be obtained from the city, town or
3 county in whose jurisdiction the construction or alteration is
4 planned.

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

8 C. Application for such building permit shall be made to, and
9 such building permit shall be issued by, any city, town or county in
10 whose jurisdiction the construction or alteration is planned. The
11 city, town or county may require the submission of plans and
12 specifications covering the proposed construction or alteration and
13 may refuse to issue such permit unless the work so planned is in
14 accordance with the applicable provisions of the city, town or
15 county's building code. In all geographical areas wherein no such
16 permit is required by local authorities such permit must be obtained
17 from the State Fire Marshal, who may require the submission of plans
18 and specifications covering the proposed construction or alteration,
19 and ~~shall~~ may refuse to issue such permit unless the work so planned
20 is in accordance with the applicable provisions of the building
21 code, as last adopted by the Oklahoma Uniform Building Code
22 Commission; provided, that the foregoing provisions of this sentence
23 shall not apply to locations in any geographical area that are owned
24 or operated by a state beneficiary public trust or have been

1 purchased or leased from a state beneficiary public trust; and
2 provided further, the State Fire Marshall shall complete the plan
3 review and permit process within a maximum of forty-five (45) days.
4 To meet the time period for plan review, the Fire Marshall may
5 outsource plan reviews or authorize the person applying for the
6 building permit to submit the plans to an engineer or architect
7 licensed in this state for review of code conformity. Upon a
8 successful completion of the plan review and code conformity the
9 Fire Marshall shall be notified and the permit shall be issued.

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

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

1 prerequisite to the obtaining of such permit by any such
2 governmental agency.

3 F. No bids may be let for the construction or major alteration
4 of any correctional facility as defined by Section 317 of this title
5 until plans and specifications for such construction or alteration
6 have been submitted to the State Fire Marshal for approval. The
7 State Fire Marshal shall approve said plans and specifications if
8 the work so planned conforms with the applicable provisions of the
9 building code, as last adopted by the Oklahoma Uniform Building Code
10 Commission.

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

20 2. Assisted living facilities licensed prior to July 1, 2008,
21 may house residents who are not capable of responding to emergency
22 situations without physical assistance from the staff or are not
23 capable of self preservation under the following conditions: As
24 part of the annual licensure renewal process, the facility shall

1 disclose if any residents who reside in the facility are not capable
2 of responding to emergency situations without physical assistance
3 from staff or are not capable of self preservation, and the facility
4 shall be required to install fire sprinkler protection and an alarm
5 system within the facility in accordance with the building
6 guidelines set forth in the building code for I-II facilities.

7 3. Assisted living facilities licensed to house six or fewer
8 residents prior to July 1, 2008, shall be permitted to install 13D
9 or 13R fire sprinkler protection in lieu of meeting I-II sprinkler
10 requirements, with approval of the municipal fire marshal or
11 compliance with local codes.

12 4. For purposes of this subsection:

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

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

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

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

center construction, occupancy and maintenance
for the protection of lives and property from
fire.

SECTION 2. This act shall become effective November 1, 2017.

COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
February 27, 2017 - DO PASS