

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 1402

By: Quinn

6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending Section 5, Chapter 346, O.S.L. 2017 (59 O.S.
9 Supp. 2017, Section 1046), which relates to the
10 Oklahoma Inspectors Act; modifying certain
11 restrictions on license holders; updating statutory
12 references; and providing an effective date.

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

13 SECTION 1. AMENDATORY Section 5, Chapter 346, O.S.L.
14 2017 (59 O.S. Supp. 2017, Section 1046), is amended to read as
15 follows:

16 Section 1046. A. For purposes of a building and construction
17 inspector performing functions normally performed by a building and
18 construction inspector for a political subdivision pursuant to the
19 Oklahoma Inspectors Act, the Construction Industries Board shall
20 create for one acting as or performing the work of a building and
21 construction inspector a separate classification of inspector
22 license to act as an authorized agent of a political subdivision,
23 and such licensure shall be governed by the Oklahoma Inspectors Act
24 and rules promulgated on the requirements of such licensure.

1 B. As used in this section, "authorized agent" means one who is
2 not a governmental employee but an independent contractor who,
3 through contract, is designated by a political subdivision that
4 issues building permits and who meets the requirements under the
5 Oklahoma Inspectors Act and rules promulgated on the requirements of
6 such licensure. An authorized agent is excluded from the population
7 limitations of Section 1041 of ~~Title 59 of the Oklahoma Statutes~~
8 this title and is required to be licensed regardless of the
9 population of the political subdivision.

10 C. To obtain an authorized agent inspector license, the
11 individual shall:

12 1. Be engaged in an independently established business
13 approved, individually accepted and designated by a political
14 subdivision, meet all requirements for a state inspector's license
15 in the category of the inspections being performed and be free of
16 direction and control of any contractor who is requesting the
17 inspection;

18 2. Pass the inspector examination approved by the Oklahoma
19 Inspector Examiners Committee and complete all other requirements in
20 the Oklahoma Inspectors Act and rules for each category sought; and

21 3. Complete an authorized agent inspector license application
22 for the examination, license or renewal of license. The application
23 shall be completed in writing on forms furnished by the Construction
24 Industries Board. Each application shall be accompanied by a fee

1 and proof of continuing education for renewals as required in the
2 Oklahoma Inspectors Act and rules. Every applicant shall provide to
3 the Construction Industries Board, on new and renewal applications,
4 a notarized certification by a political subdivision's city or
5 county manager, clerk or director of inspections department that the
6 applicant will be performing as an authorized agent of that
7 political subdivision.

8 D. It shall be unlawful for any person to act as or perform the
9 work of an authorized agent inspector unless such person is
10 qualified and licensed pursuant to the Oklahoma Inspectors Act. An
11 authorized agent inspector license does not authorize an individual
12 to issue permits.

13 E. Authorized agent inspectors licensed by the state are deemed
14 to be acting as independent contractors and not as officers,
15 employees or agents of the state. The state assumes no liability
16 for the actions or omissions of licensed authorized agents.

17 F. Authorized agents shall:

18 1. In addition to complying with the provisions of the Oklahoma
19 Inspectors Act, provide proof of insurance coverage of up to One
20 Million Dollars (\$1,000,000.00) in professional liability insurance,
21 in addition to One Million Dollars (\$1,000,000.00) in errors and
22 omissions insurance as set by rule. Proof of valid and current
23 insurance coverage must be provided upon application for
24 registration and renewal of registration in the form of an insurance

1 certificate listing the State of Oklahoma as the certificate holder.
2 Further, proof of compliance with the workers' compensation laws of
3 Oklahoma or exemption is required. Lapse of insurance shall result
4 in the change of license status to inactive;

5 2. Not be under the direction and control of ~~any~~ the person or
6 entity that performs industrial, commercial or residential
7 construction ~~within the political subdivision in~~ for which they
8 would provide services; provided, this restriction shall not
9 prohibit an authorized agent providing services if the agent is an
10 independent contractor;

11 3. Not be under the direction and control of ~~any~~ the person or
12 entity that designs industrial, commercial or residential projects
13 ~~within the political subdivision in~~ for which they would provide
14 services; provided, this restriction shall not prohibit an
15 authorized agent providing services if the agent is an independent
16 contractor;

17 4. Provide written reports acceptable to the political
18 subdivision according to the political subdivision requirements;

19 5. Not be prohibited in ~~this act~~ the Oklahoma Inspectors Act
20 from providing other plan review and inspection services for
21 jurisdictions that pertain to infrastructure projects, utilities
22 projects or other services not regulated by the Oklahoma Inspectors
23 Act;

1 6. Not be allowed to apply for a provisional license as
2 described in Section 1036 of ~~Title 59 of the Oklahoma Statutes~~ this
3 title; and

4 7. Provide evidence of being certified for the specific license
5 category for which they are applying and shall only provide services
6 in the area of certification and licensing.

7 SECTION 2. This act shall become effective November 1, 2018.

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