

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 733 By: Rader and Dugger of the
Senate
3
and
4
Bush of the House
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8 An Act relating to professions and occupations;
amending 59 O.S. 2011, Sections 1033, as amended by
9 Section 1, Chapter 346, O.S.L. 2017, 1036, as amended
by Section 2, Chapter 346, O.S.L. 2017, 1038, as
10 amended by Section 3, Chapter 346, O.S.L. 2017, 1041,
as amended by Section 4, Chapter 346, O.S.L. 2017,
11 Section 5, Chapter 346, O.S.L. 2017 (59 O.S. Supp.
2018, Sections 1033, 1036, 1038, 1041 and 1046),
which relate to the Oklahoma Inspectors Act;
12 modifying definitions; modifying licensing
requirements; removing obsolete language; changing
13 terms of provisional license; eliminating required
principal-agent relationship; authorizing license
14 renewal of unemployed inspectors; specifying
conditions; providing for separate classification of
15 inspector license; specifying requirements for
licensing; specifying certain restrictions on license
16 holders; updating statutory references; making
authorized agent license equivalent to authorized
17 provider license for certain period of time; and
providing an effective date.
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20 AMENDMENT NO. 1. Delete the title, enacting clause and entire bill
and replace with:
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23 "An Act relating to professions and occupations;
amending 59 O.S. 2011, Sections 1033, as amended by
24 Section 1, Chapter 346, O.S.L. 2017, 1036, as

1 amended by Section 2, Chapter 346, O.S.L. 2017,
2 1038, as amended by Section 3, Chapter 346, O.S.L.
3 2017, and 1041, as amended by Section 4, Chapter
4 346, O.S.L. 2017, and Section 5, Chapter 346, O.S.L.
5 2017 (59 O.S. Supp. 2018, Sections 1033, 1036, 1038,
6 1041 and 1046), which relate to the Oklahoma
7 Inspectors Act; modifying definitions; modifying
8 licensing requirements; removing obsolete language;
9 changing terms of provisional license; eliminating
10 required principal-agent relationship; authorizing
11 license renewal of unemployed inspectors; specifying
12 conditions; providing for separate classification of
13 inspector license; specifying requirements for
14 licensing; specifying certain restrictions on
15 license holders; updating statutory references; and
16 providing an effective date.

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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. 2018,
Section 1033), is amended to read as follows:

Section 1033. As used in the Oklahoma Inspectors Act:

1. "Board" means the Construction Industries Board;

2. "Committee" means the Oklahoma Inspector Examiners
Committee;

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

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

10 5. "Building official" means the licensed employee code
11 official having the duty to administer and the authority to enforce
12 building codes in the political subdivision;

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

16 7. "Circuit rider inspector" means a person who acts as a
17 building and construction inspector for two or more municipalities
18 or other political subdivisions and is certified and licensed
19 pursuant to the Oklahoma Inspectors Act;

20 8. "Inactive building and construction inspector" means a
21 previously licensed building and construction inspector, having
22 successfully passed an examination by a Committee-approved national
23 certification program, ~~who is currently not employed by a political~~
24 ~~subdivision and therefore~~ does not meet all requirements of the

1 Oklahoma Inspectors Act to perform building and construction
2 inspections pursuant to the Oklahoma Inspectors Act until all
3 requirements are met;

4 9. "Provisional license" means a license issued to a building
5 and construction inspector who is an employee of a political
6 subdivision on a provisional basis and limited to a maximum of ~~two~~
7 ~~(2) years~~ one (1) year in each license category for the purpose of
8 enabling an applicant to meet the certification requirements;

9 10. "Report writer" means any person or agency ~~designated~~
10 recognized by a political subdivision having managerial and
11 superintending control over building codes as a report writer for
12 purposes of furnishing report-writing services on behalf of the
13 building official. This person must be approved by the building
14 official or designated code official, provided he or she has no
15 conflict of interest and satisfies the requirements of the political
16 subdivision as to qualifications, ethical standards and reliability
17 in the process and services. The individual's furnished written
18 reports shall be provided and acceptable to the building official,
19 designated code official or political subdivision for final code
20 evaluation; and

21 11. "Authorized ~~agent~~ provider" means one who is not a
22 governmental employee but an independent contractor who, ~~through~~
23 ~~contract,~~ is ~~designated~~ recognized by a political subdivision that
24 issues building permits and who meets the requirements under the

1 Oklahoma Inspectors Act and rules promulgated on the requirements of
2 such licensure.

3 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1036, as
4 amended by Section 2, Chapter 346, O.S.L. 2017 (59 O.S. Supp. 2018,
5 Section 1036), is amended to read as follows:

6 Section 1036. A. Applicants for certification and license
7 shall÷

8 ~~1. Show~~ show proof of certification by successful completion of
9 an examination approved by the Oklahoma Inspector Examiners
10 Committee; ~~and~~

11 ~~2. Be employed by a political subdivision.~~

12 The Board shall issue a license to any person who has met the
13 requirements of ~~paragraphs 1 and 2 of~~ this subsection and who has
14 paid the fees required by the Oklahoma Inspectors Act and has
15 otherwise complied with the applicable requirements of the Oklahoma
16 Inspectors Act. Provided, the Board may issue a provisional license
17 limited to ~~two (2) years~~ one (1) year to enable an applicant to meet
18 the licensing requirements of this subsection while seeking
19 certification by examination.

20 B. Examinations shall be uniform and shall be practical in
21 nature but shall be sufficiently strict to test the qualifications
22 and fitness of the applicant as a building and construction
23 inspector. The examination shall be in whole or in part in writing.
24 Examination dates shall be set by the Committee or by the

1 examination provider. Any applicant failing to pass the examination
2 shall not be permitted to take another examination for a period of
3 thirty (30) days, and thereafter any such applicants subsequently
4 failing to pass the examination shall not be permitted to take a
5 subsequent examination for a period of ninety (90) days.

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

10 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1038, as
11 amended by Section 3, Chapter 346, O.S.L. 2017 (59 O.S. Supp. 2018,
12 Section 1038), is amended to read as follows:

13 Section 1038. A. ~~Other than two-year provisional licenses, no~~
14 No license shall be issued for longer than one (1) year and all
15 licenses shall expire on the birth date of the licensee. The
16 Construction Industries Board shall establish by rule a method for
17 prorating license fees to coincide with the birth date of the
18 licensee.

19 B. An application for the renewal of a license which is
20 received more than thirty (30) days following the date of expiration
21 and which is accompanied by a fee established pursuant to Section
22 1000.5 of this title, and proof of current continuing education
23 requirements, may be accepted and the license reissued without
24 examination.

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

6 ~~D. If the licensed building and construction inspector is not~~
7 ~~employed at the time of renewal, the license may be renewed if the~~
8 ~~applicant is otherwise compliant with the requirements of the~~
9 ~~Oklahoma Inspectors Act including meeting continuing education~~
10 ~~requirements; however, the renewal application must reflect the~~
11 ~~change in employment along with a request to renew as inactive~~
12 ~~status. An inactive license status may be changed to active status~~
13 ~~upon notification of employment to the Construction Industries~~
14 ~~Board.~~

15 SECTION 4. AMENDATORY 59 O.S. 2011, Section 1041, as
16 amended by Section 4, Chapter 346, O.S.L. 2017 (59 O.S. Supp. 2018,
17 Section 1041), is amended to read as follows:

18 Section 1041. Any municipality or other governmental entity
19 which employs any person as a building and construction inspector
20 for functions normally performed by a building and construction
21 inspector shall notify the Construction Industries Board of the
22 employment.

23 Any municipality or other political subdivision of the state
24 with a population of ten thousand (10,000) or less according to the

1 most current census published by the Oklahoma Employment Security
2 Board shall be exempt from the provisions of the Oklahoma Inspectors
3 Act, unless such municipality or other political subdivision of the
4 state employs the services of a circuit rider inspector or relies on
5 the use of an authorized ~~agent~~ provider.

6 SECTION 5. AMENDATORY Section 5, Chapter 346, O.S.L.
7 2017 (59 O.S. Supp. 2018, Section 1046), is amended to read as
8 follows:

9 Section 1046. A. For purposes of a building and construction
10 inspector performing functions normally performed by a building and
11 construction inspector for a political subdivision pursuant to the
12 Oklahoma Inspectors Act, the Construction Industries Board shall
13 create for one acting as or performing the work of a building and
14 construction inspector a separate classification of inspector
15 license to act as an authorized ~~agent~~ provider of a political
16 subdivision, and such licensure shall be governed by the Oklahoma
17 Inspectors Act and rules promulgated on the requirements of such
18 licensure.

19 B. As used in this section, "authorized ~~agent~~ provider" means
20 one who is not a governmental employee but an independent contractor
21 who, ~~through contract,~~ is ~~designated~~ recognized by a political
22 subdivision that issues building permits and who meets the
23 requirements under the Oklahoma Inspectors Act and rules promulgated
24 on the requirements of such licensure. An authorized ~~agent~~ provider

1 is excluded from the population limitations of Section 1041 of ~~Title~~
2 ~~59 of the Oklahoma Statutes~~ this title and is required to be
3 licensed regardless of the population of the political subdivision.

4 C. To obtain an authorized ~~agent~~ provider inspector license,
5 the individual shall:

6 1. ~~Be engaged in an independently established business~~
7 ~~approved, individually accepted and designated~~ recognized by a
8 political subdivision, ~~meet~~ as meeting all requirements for a state
9 inspector's license in the category of the inspections being
10 performed and be free of direction and control of any contractor who
11 is requesting the inspection;

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

15 3. Complete an authorized ~~agent~~ provider inspector license
16 application for the examination, license or renewal of license. The
17 application shall be completed in writing on forms furnished by the
18 Construction Industries Board. Each application shall be
19 accompanied by a fee and proof of continuing education for renewals
20 as required in the Oklahoma Inspectors Act and rules. ~~Every~~
21 ~~applicant shall provide to the Construction Industries Board, on new~~
22 ~~and renewal applications, a notarized certification by a political~~
23 ~~subdivision's city or county manager, clerk or director of~~

1 ~~inspections department that the applicant will be performing as an~~
2 ~~authorized agent of that political subdivision.~~

3 D. It shall be unlawful for any person to act as or perform the
4 work of an authorized ~~agent~~ provider inspector unless such person is
5 qualified and licensed pursuant to the Oklahoma Inspectors Act. An
6 authorized ~~agent~~ provider inspector license does not authorize an
7 individual to issue permits.

8 E. Authorized ~~agent~~ provider inspectors licensed by the state
9 are deemed to be acting as independent contractors and not as
10 officers, employees or agents of the state or any political
11 subdivision. ~~The~~ Neither the state nor the political subdivision
12 assumes ~~no~~ any liability for the actions or omissions of licensed
13 authorized ~~agents~~ providers.

14 F. Authorized ~~agents~~ providers shall:

15 1. In addition to complying with the provisions of the Oklahoma
16 Inspectors Act, provide proof of insurance coverage of up to One
17 Million Dollars (\$1,000,000.00) in professional liability insurance,
18 in addition to One Million Dollars (\$1,000,000.00) in errors and
19 omissions insurance as set by rule. Proof of valid and current
20 insurance coverage must be provided upon application for
21 registration and renewal of registration in the form of an insurance
22 certificate listing the State of Oklahoma as the certificate holder.
23 Further, proof of compliance with the workers' compensation laws of
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1 Oklahoma or exemption is required. Lapse of insurance shall result
2 in the change of license status to inactive;

3 2. Not be under the direction and control of any entity that
4 performs industrial, commercial or residential construction ~~within~~
5 ~~the political subdivision in~~ for which they would provide services;

6 3. Not be under the direction and control of any entity that
7 designs industrial, commercial or residential projects ~~within the~~
8 ~~political subdivision in~~ for which they would provide services;

9 4. Provide written reports acceptable to the political
10 subdivision according to the political subdivision requirements;

11 5. Not be prohibited in ~~this act~~ the Oklahoma Inspectors Act
12 from providing other plan review and inspection services for
13 jurisdictions that pertain to infrastructure projects, utilities
14 projects or other services not regulated by the Oklahoma Inspectors
15 Act, except as restricted or limited by the political subdivision;

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

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

22 G. Beginning November 1, 2019, and until administrative rules
23 concerning authorized provider licensure have been finally adopted
24 pursuant to the Administrative Procedures Act, authorized agent

1 licensure shall be equivalent to authorized provider licensure
2 pursuant to the Oklahoma Inspectors Act, and existing administrative
3 rules set forth in the Oklahoma Administrative Code relating to
4 authorized agent licensure shall remain in effect.

5 SECTION 6. This act shall become effective November 1, 2019."

6 Passed the House of Representatives the 22nd day of April, 2019.

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9 Presiding Officer of the House of
10 Representatives

11 Passed the Senate the ____ day of _____, 2019.

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14 Presiding Officer of the Senate

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1 ENGROSSED SENATE
2 BILL NO. 733

By: Rader and Dugger of the
Senate

3 and

4 Bush of the House

5
6
7 An Act relating to professions and occupations;
8 amending 59 O.S. 2011, Sections 1033, as amended by
9 Section 1, Chapter 346, O.S.L. 2017, 1036, as amended
10 by Section 2, Chapter 346, O.S.L. 2017, 1038, as
11 amended by Section 3, Chapter 346, O.S.L. 2017, 1041,
12 as amended by Section 4, Chapter 346, O.S.L. 2017,
13 Section 5, Chapter 346, O.S.L. 2017 (59 O.S. Supp.
14 2018, Sections 1033, 1036, 1038, 1041 and 1046),
15 which relate to the Oklahoma Inspectors Act;
16 modifying definitions; modifying licensing
17 requirements; removing obsolete language; changing
18 terms of provisional license; eliminating required
19 principal-agent relationship; authorizing license
20 renewal of unemployed inspectors; specifying
21 conditions; providing for separate classification of
22 inspector license; specifying requirements for
23 licensing; specifying certain restrictions on license
24 holders; updating statutory references; and providing
an effective date.

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

SECTION 7. AMENDATORY 59 O.S. 2011, Section 1033, as
amended by Section 1, Chapter 346, O.S.L. 2017 (59 O.S. Supp. 2018,
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 and limited to a maximum of ~~two~~
14 ~~(2) years~~ one (1) year in each license category for the purpose of
15 enabling an applicant to meet the certification requirements;

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

1 reports ~~shall~~ may be provided and acceptable to the building
2 official, designated code official or political subdivision for
3 final code evaluation; and

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

10 SECTION 8. AMENDATORY 59 O.S. 2011, Section 1036, as
11 amended by Section 2, Chapter 346, O.S.L. 2017 (59 O.S. Supp. 2018,
12 Section 1036), is amended to read as follows:

13 Section 1036. A. Applicants for certification and license
14 shall÷

15 1. ~~Show~~ show proof of certification or licensing by a program
16 or governmental entity approved by the Construction Industries
17 Board, or by successful completion of an examination approved by the
18 Oklahoma Inspector Examiners Committee; ~~and~~

19 2. ~~Be employed by a political subdivision.~~

20 The Board shall issue a license to any person who has met the
21 requirements of ~~paragraphs 1 and 2 of~~ this subsection and who has
22 paid the fees required by the Oklahoma Inspectors Act and has
23 otherwise complied with the applicable requirements of the Oklahoma
24 Inspectors Act. Provided, the Board may issue a provisional license

1 limited to ~~two (2) years~~ six (6) months to enable an applicant to
2 meet the licensing requirements of this subsection while seeking
3 certification by examination.

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

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

18 SECTION 9. AMENDATORY 59 O.S. 2011, Section 1038, as
19 amended by Section 3, Chapter 346, O.S.L. 2017 (59 O.S. Supp. 2018,
20 Section 1038), is amended to read as follows:

21 Section 1038. A. ~~Other than two-year provisional licenses, no~~
22 No license shall be issued for longer than one (1) year and all
23 licenses shall expire on the birth date of the licensee. The
24 Construction Industries Board shall establish by rule a method for

1 prorating license fees to coincide with the birth date of the
2 licensee.

3 B. An application for the renewal of a license which is
4 received more than thirty (30) days following the date of expiration
5 and which is accompanied by a fee established pursuant to Section
6 1000.5 of this title, and proof of current continuing education
7 requirements, may be accepted and the license reissued without
8 examination.

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

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

1 SECTION 10. AMENDATORY 59 O.S. 2011, Section 1041, as
2 amended by Section 4, Chapter 346, O.S.L. 2017 (59 O.S. Supp. 2018,
3 Section 1041), is amended to read as follows:

4 Section 1041. Any municipality or other governmental entity
5 which employs any person as a building and construction inspector
6 for functions normally performed by a building and construction
7 inspector shall notify the Construction Industries Board of the
8 employment.

9 Any municipality or other political subdivision of the state
10 with a population of ten thousand (10,000) or less according to the
11 most current census published by the Oklahoma Employment Security
12 Board shall be exempt from the provisions of the Oklahoma Inspectors
13 Act, unless such municipality or other political subdivision of the
14 state employs the services of a circuit rider inspector or relies on
15 the use of an authorized ~~agent~~ provider.

16 SECTION 11. AMENDATORY Section 5, Chapter 346, O.S.L.
17 2017 (59 O.S. Supp. 2018, Section 1046), is amended to read as
18 follows:

19 Section 1046. A. For purposes of a building and construction
20 inspector performing functions normally performed by a building and
21 construction inspector for a political subdivision pursuant to the
22 Oklahoma Inspectors Act, the Construction Industries Board shall
23 create for one acting as or performing the work of a building and
24 construction inspector a separate classification of inspector

1 license to act as an authorized ~~agent~~ provider of a political
2 subdivision, and such licensure shall be governed by the Oklahoma
3 Inspectors Act and rules promulgated on the requirements of such
4 licensure.

5 B. As used in this section, "authorized ~~agent~~ provider" means
6 one who is not a governmental employee but an independent contractor
7 who, ~~through contract,~~ is ~~designated~~ recognized by a political
8 subdivision that issues building permits and who meets the
9 requirements under the Oklahoma Inspectors Act and rules promulgated
10 on the requirements of such licensure. An authorized ~~agent~~ provider
11 is excluded from the population limitations of Section 1041 of ~~Title~~
12 ~~59 of the Oklahoma Statutes~~ this title and is required to be
13 licensed regardless of the population of the political subdivision.

14 C. To obtain an authorized ~~agent~~ provider inspector license,
15 the individual or entity shall:

16 1. Be ~~engaged in an independently established business~~
17 ~~approved, individually accepted and designated~~ recognized by a
18 political subdivision, ~~meet~~ as meeting all requirements for a state
19 inspector's license in the category of the inspections being
20 performed and be free of direction and control of any contractor who
21 is requesting the inspection;

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

1 3. Complete an authorized ~~agent~~ provider inspector license
2 application for the examination, license or renewal of license. The
3 application shall be completed in writing on forms furnished by the
4 Construction Industries Board. Each application shall be
5 accompanied by a fee and proof of continuing education for renewals
6 as required in the Oklahoma Inspectors Act and rules. ~~Every~~
7 ~~applicant shall provide to the Construction Industries Board, on new~~
8 ~~and renewal applications, a notarized certification by a political~~
9 ~~subdivision's city or county manager, clerk or director of~~
10 ~~inspections department that the applicant will be performing as an~~
11 ~~authorized agent of that political subdivision.~~

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

17 E. Authorized ~~agent~~ provider inspectors licensed by the state
18 are deemed to be acting as independent contractors and not as
19 officers, employees or agents of the state or any political
20 subdivision. ~~The~~ Neither the state nor the political subdivision
21 assumes ~~no~~ any liability for the actions or omissions of licensed
22 authorized ~~agents~~ providers.

23 F. Authorized ~~agents~~ providers shall:
24

1 1. In addition to complying with the provisions of the Oklahoma
2 Inspectors Act, provide proof of insurance coverage of up to One
3 Million Dollars (\$1,000,000.00) in professional liability insurance,
4 in addition to One Million Dollars (\$1,000,000.00) in errors and
5 omissions insurance as set by rule. Proof of valid and current
6 insurance coverage must be provided upon application for
7 registration and renewal of registration in the form of an insurance
8 certificate listing the State of Oklahoma as the certificate holder.
9 Further, proof of compliance with the workers' compensation laws of
10 Oklahoma or exemption is required. Lapse of insurance shall result
11 in the change of license status to inactive;

12 2. Not be under the direction and control of any entity that
13 performs industrial, commercial or residential construction ~~within~~
14 ~~the political subdivision in~~ for which they would provide services;

15 3. Not be under the direction and control of any entity that
16 designs industrial, commercial or residential projects ~~within the~~
17 ~~political subdivision in~~ for which they would provide services;

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

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

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

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

SECTION 12. This act shall become effective November 1, 2019.

Passed the Senate the 6th day of March, 2019.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2019.

Presiding Officer of the House
of Representatives