

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 733

By: Rader and Dugger

COMMITTEE SUBSTITUTE

An Act relating to professions and occupations;
amending 59 O.S. 2011, Sections 1033, as amended by
Section 1, Chapter 346, O.S.L. 2017, 1036, as amended
by Section 2, Chapter 346, O.S.L. 2017, 1038, as
amended by Section 3, Chapter 346, O.S.L. 2017, 1041,
as amended by Section 4, Chapter 346, O.S.L. 2017,
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;
modifying definitions; modifying licensing
requirements; removing obsolete language; changing
terms of provisional license; eliminating required
principal-agent relationship; authorizing license
renewal of unemployed inspectors; specifying
conditions; providing for separate classification of
inspector license; specifying requirements for
licensing; specifying certain restrictions on license
holders; updating statutory references; and providing
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. 2018,
Section 1033), is amended to read as follows:

Section 1033. As used in the Oklahoma Inspectors Act:

1 1. "Board" means the Construction Industries Board;

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

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

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

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

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

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

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~~ six (6) months 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 2. 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 3. 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 4. 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 5. 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;

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 6. This act shall become effective November 1, 2019.

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