

# An Act

ENROLLED SENATE  
BILL NO. 733

By: Rader and Dugger of the  
Senate

and

Bush of the House

An Act relating to professions and occupations; amending 59 O.S. 2011, Sections 1033, as last amended by Section 1 of Enrolled House Bill No. 2088 of the 1st Session of the 57th Oklahoma Legislature, 1036, as amended by Section 2, Chapter 346, O.S.L. 2017, 1038, as last amended by Section 2 of Enrolled House Bill No. 2088 of the 1st Session of the 57th Oklahoma Legislature, and 1041 as last amended by Section 3 of Enrolled House Bill No. 2088 of the 1st Session of the 57th Oklahoma Legislature, and 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.

SUBJECT: Professions and occupations

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 1033, as last amended by Section 1 of Enrolled House Bill No. 2088 of the 1st Session of the 57th Oklahoma Legislature (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;
4. "Building and construction inspector" means any person actively engaged in the inspection of any phase of building and construction ~~by the political subdivision having managerial and superintending control over building codes as the code official~~ for the purpose of enforcing ~~and having the authority to enforce~~ compliance with the applicable building codes or standards and includes, but is not limited to, plumbing inspectors, electrical inspectors, mechanical inspectors and structural building inspectors;
5. "Building official" means the licensed employee code official having the duty to administer and the authority to enforce building codes in the political subdivision;
6. "Certification" means successful passage of an examination by a Committee-approved national certification program in a license category pursuant to the Oklahoma Inspectors Act;
7. "Circuit rider inspector" means a person who acts as a building and construction inspector for two or more municipalities or other political subdivisions and is certified and licensed pursuant to the Oklahoma Inspectors Act;

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

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

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

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

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

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

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

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

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

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

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

SECTION 3. AMENDATORY 59 O.S. 2011, Section 1038, as last amended by Section 2 of Enrolled House Bill No. 2088 of the 1st Session of the 57th Oklahoma Legislature (59 O.S. Supp. 2018, Section 1038), is amended to read as follows:

Section 1038. A. ~~Other than two-year provisional licenses, no~~ No license shall be issued for longer than one (1) year and all licenses shall expire on the last day in the birth month of the licensee.

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

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

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

SECTION 4. AMENDATORY 59 O.S. 2011, Section 1041, as last amended by Section 3 of Enrolled House Bill No. 2088 of the 1st Session of the 57th Oklahoma Legislature (59 O.S. Supp. 2018, Section 1041), is amended to read as follows:

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

Any municipality or other political subdivision of the state with a population of ten thousand (10,000) or less according to the most current census published by the United States Census Bureau shall be exempt from the provisions of the Oklahoma Inspectors Act, unless such municipality or other political subdivision of the state employs the services of a circuit rider inspector or relies on the use of an authorized agent provider.

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

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

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

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

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

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

3. Complete an authorized ~~agent~~ provider inspector license application for the examination, license or renewal of license. The application shall be completed in writing on forms furnished by the

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

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

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

F. Authorized ~~agents~~ providers shall:

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

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

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

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

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

G. Beginning November 1, 2019, and until administrative rules concerning authorized provider licensure have been finally adopted pursuant to the Administrative Procedures Act, authorized agent licensure shall be equivalent to authorized provider licensure pursuant to the Oklahoma Inspectors Act, and existing administrative rules set forth in the Oklahoma Administrative Code relating to authorized agent licensure shall remain in effect.

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



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

\_\_\_\_\_  
Presiding Officer of the Senate

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

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_