

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL NO. 1374

By: Paxton of the Senate

and

May of the House

COMMITTEE SUBSTITUTE

An Act relating to the State Fire Marshal; amending 74 O.S. 2021, Section 317, which relates to the examination of certain buildings and premises; expanding and clarifying jurisdiction; updating agency name; amending 74 O.S. 2021, Section 324.11, which relates to building permits; removing and replacing certain building classifications; amending 74 O.S. 2021, Section 324.19, which relates to violations; expanding the list of entities who are subject to the jurisdiction of the State Fire Marshal; establishing procedure for hearings; providing for district court review; requiring fines to be deposited into the State Fire Marshal Revolving Fund; amending 74 O.S. 2021, Section 324.20b, which relates to the State Fire Marshal Revolving Fund; removing fund cap; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2021, Section 317, is amended to read as follows:

1       Section 317. The State Fire Marshal, any assistants to the  
2 State Fire Marshal, the chief of the fire department of all the  
3 cities and towns where a fire department is established, the mayor  
4 of the cities and towns where no fire department exists, the chief  
5 of a fire protection district created pursuant to Sections 901.1 et  
6 seq. of Title 19 of the Oklahoma Statutes and the sheriff of all  
7 counties, upon the complaint of any person having an interest in any  
8 building or property adjacent, and without any complaint, shall have  
9 the right at all reasonable hours for the purpose of an examination  
10 to enter into and upon all buildings and premises within their  
11 jurisdiction. The State Fire Marshal shall, at least once each  
12 year, make a fire inspection of all correctional facilities under  
13 the jurisdiction and control of any state agency, county, city ~~or~~,  
14 town, or public trust. The correctional facilities shall include,  
15 but not be limited to, institutions within the Department of  
16 Corrections as defined by Section 502 of Title 57 of the Oklahoma  
17 Statutes, juvenile institutions under the jurisdiction and control  
18 of the ~~Department Office of Institutions, Social and Rehabilitative~~  
19 ~~Services~~ Juvenile Affairs, as listed in Section 2-7-606 of Title 10A  
20 of the Oklahoma Statutes, and jails. The State Fire Marshal shall  
21 issue a report containing findings of the inspection as to each  
22 facility under the jurisdiction and control of a state agency, to  
23 the director of the agency. As to any other correctional facility,  
24 the State Fire Marshal shall issue the report to the person

1 immediately responsible for the administration of the facility  
2 inspected. Whenever any of the officers shall find any building or  
3 other structure which for the want of proper repair, or by reason of  
4 age and dilapidated condition, or for any cause is especially liable  
5 to fire, and which is so situated as to endanger other buildings or  
6 property, or so occupied that a fire would endanger persons and  
7 property therein, the officers shall order the building or buildings  
8 to be repaired, torn down, demolished, materials removed and all  
9 dangerous conditions remedied. Whenever the officers determine that  
10 a threat to life is imminent, the officers are permitted to order  
11 the evacuation of the occupants of the building or buildings. If  
12 the officer finds in a building or upon any premises any combustible  
13 or explosive material, rubbish, rags, waste, oils, gasoline or  
14 inflammable conditions of any kind, dangerous to the safety of  
15 buildings or property, the officer shall order the materials removed  
16 or conditions remedied. The order shall be made against the owner,  
17 lessee, agent or occupant of the buildings or premises and,  
18 thereupon, the order shall be complied with by the owner, lessee,  
19 agent or occupant, and within the time fixed in the order. If the  
20 owner, lessee, agent or occupant deems itself aggrieved by an order  
21 of any of the officers, and desires a hearing, that person may  
22 complain or appeal in writing to the State Fire Marshal within ten  
23 (10) days from the service of the order, and the State Fire Marshal  
24 shall at once investigate the complaint, and shall fix a time in the

1 county where the property is located, when and where the complaint  
2 will be heard by the State Fire Marshal. The State Fire Marshal may  
3 affirm, modify, revoke or vacate the order at the hearing, and  
4 unless the order is revoked or vacated by the State Fire Marshal, it  
5 shall remain in force and be complied with by the owner, lessee,  
6 agent or occupant within the time fixed in the order, or within the  
7 time as may be fixed by the State Fire Marshal at the hearing. If a  
8 person is aggrieved by the final order of the State Fire Marshal as  
9 made at the hearing, that person may, within ten (10) days  
10 thereafter, appeal to the district court of the county in which the  
11 property is situated, notifying the State Fire Marshal in writing of  
12 the appeal within three (3) days thereafter, which notice shall be  
13 delivered personally to the State Fire Marshal or by registered mail  
14 to the office of the State Fire Marshal at Oklahoma City, Oklahoma.  
15 The party appealing shall, within three (3) days thereafter, file  
16 with the clerk of the district court in which the appeal is made, a  
17 bond in an amount to be fixed by the court but in no case less than  
18 One Hundred Dollars (\$100.00), with at least sufficient sureties to  
19 be approved by the court, conditioned to pay all costs on the appeal  
20 in case the appellant failed to sustain the same or the appeal be  
21 dismissed for any cause. The district court shall hear and  
22 determine the appeal de novo, in the same manner as other issues of  
23 law and fact are heard and tried in the courts, and the State Fire  
24 Marshal shall be plaintiff in the action. The district court shall

1 hear and determine the appeal at the next regular term of district  
2 court in the county where the order was issued, and may sustain,  
3 modify or annul the order of the State Fire Marshal, and the  
4 decision of the district court shall be final. The State Fire  
5 Marshal shall execute the final order of the district court, and if  
6 the order is adverse to the appellant, the State Fire Marshal is  
7 empowered to cause the building or premises to be repaired, torn  
8 down, demolished, materials removed and all dangerous conditions  
9 remedied, as the case may be, at the expense of the appellant. If  
10 the appellant fails, refuses or neglects to comply with the order,  
11 or pay the expense incurred by the State Fire Marshal in executing  
12 the same within thirty (30) days thereafter, the expense shall be  
13 certified by the State Fire Marshal to the county assessor of the  
14 county in which the property is situated and the county assessor  
15 shall enter the expense on the tax list of the county as a special  
16 charge against the real estate on which the building is or was  
17 situated, and the same shall be collected as other taxes and, when  
18 collected, shall be paid to the county treasurer and credited to the  
19 general fund of the county in which the property is located. Any  
20 person being the owner, occupant, lessee or agent of buildings or  
21 premises, who willfully fails, neglects or refuses to comply with  
22 any order of any officer named in this section shall be guilty of a  
23 misdemeanor and shall be fined not more than Fifty Dollars (\$50.00)  
24 nor less than Ten Dollars (\$10.00) for each day's neglect.

SECTION 2. AMENDATORY 74 O.S. 2021, 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,~~ that are classified as occupancies in the building codes adopted by the Oklahoma Uniform Building Code Commission including all defined occupancies within these groups, or install original equipment for the operation or maintenance thereof without obtaining a permit. ~~Said~~ The permit, for which a charge may be made in conformity with the local ordinance, except as limited herein as to governmental agencies, shall be obtained from the city, town or county in whose jurisdiction the construction or alteration is planned.

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

C. Application for such building permit shall be made to, and such building permit shall be issued by, any city, town or county in whose jurisdiction the construction or alteration is planned. The

1 city, town or county may require the submission of plans and  
2 specifications covering the proposed construction or alteration and  
3 may refuse to issue such permit unless the work so planned is in  
4 accordance with the applicable provisions of the city, town or  
5 county's building code. In all geographical areas wherein no such  
6 permit is required by local authorities such permit must be obtained  
7 from the State Fire Marshal, who may require the submission of plans  
8 and specifications covering the proposed construction or alteration,  
9 and shall refuse to issue such permit unless the work so planned is  
10 in accordance with the applicable provisions of the ~~building code~~  
11 International Building Code, International Existing Building Code,  
12 and International Fire Code, as last adopted by the Oklahoma Uniform  
13 Building Code Commission; provided, that the foregoing provisions of  
14 this sentence shall not apply to locations in any geographical area  
15 that are owned or operated by a state beneficiary public trust or  
16 have been purchased or leased from a state beneficiary public trust.

17 D. Nothing in ~~this act~~ Section 324.1 et seq. of this title  
18 shall be construed as repealing any ordinance of any city, town, or  
19 any order of any county requiring the submission to the local  
20 authorities of plans and specifications and the obtaining of  
21 permits, but the power or authority of any such city, town or county  
22 to levy or assess any charge for such permit or to make and enforce  
23 requirements prerequisite to the issuance of such permit, other than  
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1 requiring compliance with such building code, shall, as to  
2 governmental agencies, be limited as hereinafter set forth.

3 E. No city, town or county requested to issue any such permit  
4 to any city, town, school district, county or other subdivision of  
5 government shall charge, assess or collect any fee or other charge  
6 for such permit except the regular and customary inspection fees  
7 fixed by ordinance for inspection of the work to be done under such  
8 permit, and no other charge, fee or other conditions of any kind  
9 under the authority of this title shall be made a condition of or  
10 prerequisite to the obtaining of such permit by any such  
11 governmental agency.

12 F. No bids may be let for the construction or major alteration  
13 of any correctional facility as defined by Section 317 of this title  
14 until plans and specifications for such construction or alteration  
15 have been submitted to the State Fire Marshal for approval. The  
16 State Fire Marshal shall approve ~~said~~ the plans and specifications  
17 if the work so planned conforms with the applicable provisions of  
18 the building code, as last adopted by the Oklahoma Uniform Building  
19 Code Commission.

20 G. 1. Notwithstanding anything to the contrary in the fire  
21 code and/or building code, as last adopted by the Oklahoma Uniform  
22 Building Code Commission, all facilities to be licensed as assisted  
23 living facilities, or additions to existing assisted living  
24 facilities, constructed after November 1, 2008, shall be constructed



1 with the guidelines of the I-II building occupancies if at any time  
2 in their operation they house residents who are not capable of  
3 responding to emergency situations without physical assistance from  
4 staff of the facility or are not capable of self-preservation.

5 2. Assisted living facilities licensed prior to July 1, 2008,  
6 may house residents who are not capable of responding to emergency  
7 situations without physical assistance from the staff or are not  
8 capable of self-preservation under the following conditions: As  
9 part of the annual licensure renewal process, the facility shall  
10 disclose if any residents who reside in the facility are not capable  
11 of responding to emergency situations without physical assistance  
12 from staff or are not capable of self-preservation, and the facility  
13 shall be required to install fire sprinkler protection and an alarm  
14 system within the facility in accordance with the building  
15 guidelines set forth in the building code for I-II facilities.

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

21 4. For purposes of this subsection:

- 22 a. the term "assisted living center" shall include an  
23 assisted living center licensed as such by the State  
24 Department of Health and the assisted living center

1 component of a continuum care facility licensed by the  
2 State Department of Health, and

3 b. the terms "fire code" and "building code" shall be  
4 deemed to include:

5 (1) any and all appendices, commentary, amendments  
6 and supplements to, and replacements or  
7 restatements of the Codes, and

8 (2) any and all other laws, ordinances, regulations,  
9 codes or standards pertaining to assisted living  
10 center construction, occupancy and maintenance  
11 for the protection of lives and property from  
12 fire.

13 SECTION 3. AMENDATORY 74 O.S. 2021, Section 324.19, is  
14 amended to read as follows:

15 Section 324.19. Any person, firm ~~or~~, corporation, partnership,  
16 organization, city, town, school district, county or other  
17 subdivision of government who fails to comply with the provisions of  
18 Section 1 of this act 324.11 of this title or any lawful order of  
19 the State Fire Marshal shall be subject to payment of a fine of not  
20 more than One Thousand Dollars (\$1,000.00) for each day's failure to  
21 comply with this act; provided, that any person or entity described  
22 above who is fined shall have the right to a hearing before the Fire  
23 Marshal that complies with the rules promulgated by the State Fire  
24 Marshal Commission. The hearing request shall be submitted in

1 writing to the State Fire Marshal within ten (10) days of the fine  
2 notice. After the hearing, the State Fire Marshal shall issue a  
3 proposed order containing findings of fact and conclusions of law,  
4 which shall be sent to the appellant upon issuance. The proposed  
5 order shall also be presented to the State Fire Marshal Commission  
6 at a public meeting scheduled at least ten (10) days after the  
7 issuance of the proposed order, with notice thereof provided to the  
8 appellant. The State Fire Marshal Commission may adopt, modify or  
9 deny, in whole or in part, the proposed order of the State Fire  
10 Marshal. The Commission shall issue a final order containing  
11 findings of fact and conclusions of law and give notice to the  
12 parties involved. Any party aggrieved by the final order of the  
13 State Fire Marshal Commission may appeal to the district court of  
14 the county in which the property is located. This hearing process  
15 supersedes any hearing or appeal section in the building codes  
16 adopted by the Oklahoma Uniform Building Code Commission. Fine  
17 collections shall be deposited in the State Fire Marshal Revolving  
18 Fund created in Section 324.20b of this title.

19 SECTION 4. AMENDATORY 74 O.S. 2021, Section 324.20b, is  
20 amended to read as follows:

21 Section 324.20b. There is hereby created in the State Treasury  
22 a revolving fund for the State Fire Marshal to be designated the  
23 "State Fire Marshal Revolving Fund". The fund shall be a continuing  
24 fund, not subject to fiscal year limitations, and shall consist of

1 monies received from the sale of surplus property, fees and receipts  
2 collected pursuant to the Oklahoma Open Records Act, fines,  
3 forfeitures, fees, charges, receipts, donations, gifts, bequests,  
4 contributions, devises, interagency reimbursements, federal funds  
5 unless otherwise provided by federal law or regulation, or any other  
6 source. ~~The fund shall consist of no more than Five Hundred Fifty~~  
7 ~~Thousand Dollars (\$550,000.00).~~ All monies accruing to the credit  
8 of the fund are hereby appropriated and may be budgeted and expended  
9 by the State Fire Marshal for authorized purposes. Expenditures  
10 from the fund shall be made upon warrants issued by the State  
11 Treasurer against claims filed as prescribed by law with the  
12 Director of the Office of Management and Enterprise Services for  
13 approval and payment.

14 SECTION 5. This act shall become effective November 1, 2022.

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