

# An Act

ENROLLED SENATE  
BILL NO. 1374

By: Paxton and Pederson of the  
Senate

and

May of the House

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; providing for inapplicability of requirements in unincorporated areas; 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.

SUBJECT: State Fire Marshal

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:

Section 317. The State Fire Marshal, any assistants to the State Fire Marshal, the chief of the fire department of all the cities and towns where a fire department is established, the mayor of the cities and towns where no fire department exists, the chief of a fire protection district created pursuant to Sections 901.1 et seq. of Title 19 of the Oklahoma Statutes and the sheriff of all counties, upon the complaint of any person having an interest in any building or property adjacent, and without any complaint, shall have the right at all reasonable hours for the purpose of an examination to enter into and upon all buildings and premises within their jurisdiction. The State Fire Marshal shall, at least once each year, make a fire inspection of all correctional facilities under the jurisdiction and control of any state agency, county, city ~~or~~, town, or public trust. The correctional facilities shall include, but not be limited to, institutions within the Department of Corrections as defined by Section 502 of Title 57 of the Oklahoma Statutes, juvenile institutions under the jurisdiction and control of the ~~Department Office of Institutions, Social and Rehabilitative Services~~ Juvenile Affairs, as listed in Section 2-7-606 of Title 10A of the Oklahoma Statutes, and jails. The State Fire Marshal shall issue a report containing findings of the inspection as to each facility under the jurisdiction and control of a state agency, to the director of the agency. As to any other correctional facility, the State Fire Marshal shall issue the report to the person immediately responsible for the administration of the facility inspected. Whenever any of the officers shall find any building or other structure which for the want of proper repair, or by reason of age and dilapidated condition, or for any cause is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that a fire would endanger persons and property therein, the officers shall order the building or buildings to be repaired, torn down, demolished, materials removed and all dangerous conditions remedied. Whenever the officers determine that a threat to life is imminent, the officers are permitted to order the evacuation of the occupants of the building or buildings. If the officer finds in a building or upon any premises any combustible or explosive material, rubbish, rags, waste, oils, gasoline or inflammable conditions of any kind, dangerous to the safety of buildings or property, the officer shall order the materials removed or conditions remedied. The order shall be made against the owner, lessee, agent or occupant of the buildings or premises and, thereupon, the order shall be complied with by the owner, lessee,

agent or occupant, and within the time fixed in the order. If the owner, lessee, agent or occupant deems itself aggrieved by an order of any of the officers, and desires a hearing, that person may complain or appeal in writing to the State Fire Marshal within ten (10) days from the service of the order, and the State Fire Marshal shall at once investigate the complaint, and shall fix a time in the county where the property is located, when and where the complaint will be heard by the State Fire Marshal. The State Fire Marshal may affirm, modify, revoke or vacate the order at the hearing, and unless the order is revoked or vacated by the State Fire Marshal, it shall remain in force and be complied with by the owner, lessee, agent or occupant within the time fixed in the order, or within the time as may be fixed by the State Fire Marshal at the hearing. If a person is aggrieved by the final order of the State Fire Marshal as made at the hearing, that person may, within ten (10) days thereafter, appeal to the district court of the county in which the property is situated, notifying the State Fire Marshal in writing of the appeal within three (3) days thereafter, which notice shall be delivered personally to the State Fire Marshal or by registered mail to the office of the State Fire Marshal at Oklahoma City, Oklahoma. The party appealing shall, within three (3) days thereafter, file with the clerk of the district court in which the appeal is made, a bond in an amount to be fixed by the court but in no case less than One Hundred Dollars (\$100.00), with at least sufficient sureties to be approved by the court, conditioned to pay all costs on the appeal in case the appellant failed to sustain the same or the appeal be dismissed for any cause. The district court shall hear and determine the appeal de novo, in the same manner as other issues of law and fact are heard and tried in the courts, and the State Fire Marshal shall be plaintiff in the action. The district court shall hear and determine the appeal at the next regular term of district court in the county where the order was issued, and may sustain, modify or annul the order of the State Fire Marshal, and the decision of the district court shall be final. The State Fire Marshal shall execute the final order of the district court, and if the order is adverse to the appellant, the State Fire Marshal is empowered to cause the building or premises to be repaired, torn down, demolished, materials removed and all dangerous conditions remedied, as the case may be, at the expense of the appellant. If the appellant fails, refuses or neglects to comply with the order, or pay the expense incurred by the State Fire Marshal in executing the same within thirty (30) days thereafter, the expense shall be

certified by the State Fire Marshal to the county assessor of the county in which the property is situated and the county assessor shall enter the expense on the tax list of the county as a special charge against the real estate on which the building is or was situated, and the same shall be collected as other taxes and, when collected, shall be paid to the county treasurer and credited to the general fund of the county in which the property is located. Any person being the owner, occupant, lessee or agent of buildings or premises, who willfully fails, neglects or refuses to comply with any order of any officer named in this section shall be guilty of a misdemeanor and shall be fined not more than Fifty Dollars (\$50.00) 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 city, town or county may require the submission of plans and specifications covering the proposed construction or alteration and

may refuse to issue such permit unless the work so planned is in accordance with the applicable provisions of the city, town or county's building code. In all geographical areas wherein no such permit is required by local authorities such permit must be obtained from the State Fire Marshal, who may require the submission of plans and specifications covering the proposed construction or alteration, and shall refuse to issue such permit unless the work so planned is in accordance with the applicable provisions of the ~~building code~~ International Building Code, International Existing Building Code, and International Fire Code, as last adopted by the Oklahoma Uniform Building Code Commission; provided, that the foregoing provisions of this sentence shall not apply to locations in any geographical area that are owned or operated by a state beneficiary public trust or have been purchased or leased from a state beneficiary public trust. Furthermore, nothing in this subsection shall be construed as requiring a person to obtain a permit from the State Fire Marshal for the construction or alteration of a single-family dwelling, duplex residential dwelling, barn, shed, or carport attached to a single-family dwelling, or duplex residential dwelling when such structure is located in an unincorporated area of a county.

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

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

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

G. 1. Notwithstanding anything to the contrary in the fire code and/or building code, as last adopted by the Oklahoma Uniform Building Code Commission, all facilities to be licensed as assisted living facilities, or additions to existing assisted living facilities, constructed after November 1, 2008, shall be constructed with the guidelines of the I-II building occupancies if at any time in their operation they house residents who are not capable of responding to emergency situations without physical assistance from staff of the facility or are not capable of self-preservation.

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

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

4. For purposes of this subsection:

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

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

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

- (1) any and all appendices, commentary, amendments and supplements to, and replacements or restatements of the Codes, and
- (2) any and all other laws, ordinances, regulations, codes or standards pertaining to assisted living center construction, occupancy and maintenance for the protection of lives and property from fire.

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

Section 324.19. Any person, firm or, corporation, partnership, organization, city, town, school district, county or other subdivision of government who fails to comply with the provisions of Section 1 of this act 324.11 of this title or any lawful order of the State Fire Marshal shall be subject to payment of a fine of not more than One Thousand Dollars (\$1,000.00) for each day's failure to comply with this act; provided, that any person or entity described above who is fined shall have the right to a hearing before the State Fire Marshal that complies with the rules promulgated by the State Fire Marshal Commission. The hearing request shall be submitted in writing to the State Fire Marshal within ten (10) days of the fine notice. After the hearing, the State Fire Marshal shall issue a proposed order containing findings of fact and conclusions of law, which shall be sent to the appellant upon issuance. The proposed order shall also be presented to the State Fire Marshal Commission at a public meeting scheduled at least ten (10) days after the issuance of the proposed order, with notice thereof provided to the appellant. The State Fire Marshal Commission may adopt, modify, or deny, in whole or in part, the proposed order of the State Fire Marshal. The Commission shall issue a final order containing findings of fact and conclusions of law and give notice to the parties involved. Any party aggrieved by the final order of the State Fire Marshal Commission may appeal to the district court

of the county in which the property is located. This hearing process supersedes any hearing or appeal section in the building codes adopted by the Oklahoma Uniform Building Code Commission. Fine collections shall be deposited in the State Fire Marshal Revolving Fund created in Section 324.20b of this title.

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

Section 324.20b. There is hereby created in the State Treasury a revolving fund for the State Fire Marshal to be designated the "State Fire Marshal Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of monies received from the sale of surplus property, fees and receipts collected pursuant to the Oklahoma Open Records Act, fines, forfeitures, fees, charges, receipts, donations, gifts, bequests, contributions, devises, interagency reimbursements, federal funds unless otherwise provided by federal law or regulation, or any other source. ~~The fund shall consist of no more than Five Hundred Fifty Thousand Dollars (\$550,000.00).~~ All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Fire Marshal for authorized purposes. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

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

Passed the Senate the 16th day of May, 2022.

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Presiding Officer of the Senate

Passed the House of Representatives the 27th day of April, 2022.

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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: \_\_\_\_\_