

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1216

By: West (Kevin)

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5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2021, Section 1000.4, as amended by
9 Section 2, Chapter 185, O.S.L. 2023 (59 O.S. Supp.
10 2024, Section 1000.4), which relates to the
11 Construction Industries Board; adding terms; adding
12 penalty fees; modifying provisions to collected
13 unpaid fines; and providing an effective date.

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

15 SECTION 1. AMENDATORY 59 O.S. 2021, Section 1000.4, as
16 amended by Section 2, Chapter 185, O.S.L. 2023 (59 O.S. Supp. 2024,
17 Section 1000.4), is amended to read as follows:

18 A. 1. Pursuant to and in compliance with Article I of the
19 Administrative Procedures Act, the Construction Industries Board
20 shall have the power to adopt, amend, repeal, and promulgate rules
21 as may be necessary to regulate the plumbing, electrical, roofing,
22 and mechanical trades, building and construction inspectors and home
23 inspectors. All rules promulgated by the Board shall be reviewed
24 and approved as provided in subsection F of Section 308 of Title 75
of the Oklahoma Statutes.

1 2. The Board shall have the power to enforce the provisions of
2 the Construction Industries Board Act, The Plumbing License Law of
3 1955, the Oklahoma Inspectors Act, the Electrical License Act, the
4 Mechanical Licensing Act, the Home Inspection Licensing Act, and the
5 Roofing Contractor Registration Act, as provided in the respective
6 acts.

7 B. The Board shall have the following powers:

8 1. Exercise all incidental powers and duties which are
9 necessary to effectuate the provisions of The Plumbing License Law
10 of 1955, the Oklahoma Inspectors Act, the Electrical License Act,
11 the Mechanical Licensing Act, the Home Inspection Licensing Act, and
12 the Roofing Contractor Registration Act, including but not limited
13 to authorizing the Board chair, vice-chair, administrator, or
14 designee to determine good reason for and to cancel a scheduled
15 meeting or reschedule meetings of a licensing or registration act
16 advisory examining committee of the Board pursuant to state
17 requirements. Such canceling or rescheduling meetings authority
18 provided for in this section shall supersede all other meeting
19 scheduling requirements for acts administered by the Board;

20 2. Serve as a code variance and appeals board for the trades
21 and industries it regulates which do not have statutory code
22 variance and appeals boards;

23 3. Order or subpoena the attendance of witnesses, the
24 inspection of records and premises, and the production of relevant

1 books and papers for the investigation of matters that may come
2 before the Board;

3 4. Initiate disciplinary proceedings, request prosecution of
4 and initiate injunctive proceedings against any person who violates
5 any of the provisions of The Plumbing License Law of 1955, the
6 Oklahoma Inspectors Act, the Electrical License Act, the Mechanical
7 Licensing Act, the Home Inspection Licensing Act, and the Roofing
8 Contractor Registration Act;

9 5. Maintain an administrative staff including, but not limited
10 to, a Construction Industries Administrator whose appointment shall
11 be made as provided in Section 1000.6 of this title;

12 6. Establish and levy administrative fines and penalties for
13 violations of law or rule in the trades and industries the Board
14 licenses or regulates or against any person or entity denying the
15 Board or its representatives access to a job site for purposes of
16 enforcing any of the provisions of The Plumbing License Law of 1955,
17 the Oklahoma Inspectors Act, the Electrical License Act, the
18 Mechanical Licensing Act, the Home Inspection Licensing Act, or the
19 Roofing Contractor Registration Act; provided, however, the Board is
20 not authorized to inspect or issue administrative violations or
21 fines for public utilities, public service corporations, intrastate
22 gas pipeline companies, gas gathering pipeline companies, gas
23 processing companies, rural electric associations, municipal
24 utilities or their subsidiaries, chemical plants, gas processing

1 plants or petroleum refineries where the entity uses their employees
2 or contractors to work on their own facilities or equipment.
3 Administrative fines for violations of the acts regulated by the
4 Board are established at Five Hundred Dollars (\$500.00) for an
5 initial offense then upon issuance of a citation for a subsequent
6 offense after full adjudication of the initial offense at five (5)
7 times the amount of the initial offense. Fine schedules set by
8 administrative rule are to be conformed to these amounts;

9 7. Direct such other expenditures as may be necessary in the
10 performance of its duties including, but not limited to,
11 expenditures for office space, equipment, furnishings and contracts
12 for legal services. All expenditures shall be made pursuant to the
13 Oklahoma Central Purchasing Act; and

14 8. Enforce provisions of the plumbing, electrical and
15 mechanical codes as adopted by the Oklahoma Uniform Building Code
16 Commission pursuant to the Oklahoma Uniform Building Code Commission
17 Act.

18 C. The Board shall account for all receipts and expenditures of
19 the monies of the Board, including annually preparing and publishing
20 a statement of receipts and expenditures of the Board for each
21 fiscal year. The Board's annual statement of receipts and
22 expenditures shall be audited by the State Auditor and Inspector or
23 an independent accounting firm in accordance with the provisions of
24 subsection B of Section 212 of Title 74 of the Oklahoma Statutes,

1 and the audit report shall be certified to the Governor of this
2 state to be true and correct, under oath, by the chair and vice-
3 chair of the Board. A copy of such certified report, if not already
4 available online, shall be delivered to the chairs of the respective
5 Senate and House of Representatives Committees having authority over
6 matters relating to business, labor and construction industry
7 licensing or regulation not later than February 1 each year.

8 D. The Board shall account for all fines, penalties and fees
9 assessed and collected pursuant to the Administrative Procedures Act
10 or any rule promulgated for regulation of any industry and trade
11 under the authority of the Construction Industries Board. All
12 fines, penalties and fees assessed for any violation of law or rule
13 shall be automatically reviewed and brought before the entire Board
14 for consideration and vote not later than ninety (90) days from
15 which it was imposed. The Construction Industries Administrator
16 shall present to the Board a written recommendation and summary for
17 each case in which an assessment of a fine, penalty or fee was
18 imposed after administrative proceedings. The Board shall consider
19 the recommendations for each case at the next meeting date and at
20 such meeting shall either vote to affirm the recommendations or vote
21 to deny the recommendations and remand the case for further
22 administrative hearing, with or without instructions. No
23 administrative case shall be delayed or continued by the Board after
24 being placed on an agenda for final Board review, except with the

1 consent of all parties. The licensee or persons affected by the
2 imposition of an administrative fine, penalty or fee on final review
3 by the Board shall have all rights of appeal preserved pursuant to
4 the Administrative Procedures Act until final action by the Board.
5 Collection of unpaid, finalized, administrative fines by the agency,
6 directly or through contracted services unless otherwise provided in
7 law, may be sought beginning ninety (90) days after final
8 disposition and order of the matter through the processes
9 established by this act and the Administrative Procedures Act.

10 E. The Construction Industries Board shall hear all appeals
11 timely made from an administrative ruling relating to an industry
12 and trade regulated by the Board; however, this appeal authority
13 shall not be in addition to the appeal process authorized by the
14 Administrative Procedures Act. Any ruling by the Board from an
15 administrative hearing may be further appealed to the district court
16 of Oklahoma County. The district court, upon conclusion of an
17 appeal from a Board ruling, shall be authorized to award reasonable
18 legal fees to the prevailing party.

19 SECTION 2. This act shall become effective November 1, 2025.
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