

An Act

ENROLLED HOUSE
BILL NO. 1216

By: West (Kevin) of the House

and

Alvord of the Senate

An Act relating to professions and occupations; amending 59 O.S. 2021, Section 1000.4, as amended by Section 2, Chapter 185, O.S.L. 2023 (59 O.S. Supp. 2024, Section 1000.4), which relates to the Construction Industries Board; adding terms; adding penalty fees; modifying provisions to collect unpaid fines; 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. 2021, Section 1000.4, as amended by Section 2, Chapter 185, O.S.L. 2023 (59 O.S. Supp. 2024, Section 1000.4), is amended to read as follows:

Section 1000.4. A. 1. Pursuant to and in compliance with Article I of the Administrative Procedures Act, the Construction Industries Board shall have the power to adopt, amend, repeal, and promulgate rules as may be necessary to regulate the plumbing, electrical, roofing, and mechanical trades, building and construction inspectors and home inspectors. All rules promulgated by the Board shall be reviewed and approved as provided in subsection F of Section 308 of Title 75 of the Oklahoma Statutes.

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

B. The Board shall have the following powers:

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

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

3. Order or subpoena the attendance of witnesses, the inspection of records and premises, and the production of relevant books and papers for the investigation of matters that may come before the Board;

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

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

6. Establish and levy administrative fines and penalties for violations of law or rule in the trades and industries the Board licenses or regulates or against any person or entity denying the Board or its representatives access to a job site for purposes of enforcing any of the provisions of The Plumbing License Law of 1955, the Oklahoma Inspectors Act, the Electrical License Act, the Mechanical Licensing Act, the Home Inspection Licensing Act, or the Roofing Contractor Registration Act; provided, however, the Board is not authorized to inspect or issue administrative violations or

finances for public utilities, public service corporations, intrastate gas pipeline companies, gas gathering pipeline companies, gas processing companies, rural electric associations, municipal utilities or their subsidiaries, chemical plants, gas processing plants or petroleum refineries where the entity uses their employees or contractors to work on their own facilities or equipment; provided further, that any fines established by the Board pursuant to the authority granted in this subsection for any second or subsequent violation of a law or rule shall be set at five times the amount of the fine set by the Board for initial violations. The Board shall amend its rules to be consistent with the fine amounts set forth herein;

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

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

C. The Board shall account for all receipts and expenditures of the monies of the Board, including annually preparing and publishing a statement of receipts and expenditures of the Board for each fiscal year. The Board's annual statement of receipts and expenditures shall be audited by the State Auditor and Inspector or an independent accounting firm in accordance with the provisions of subsection B of Section 212 of Title 74 of the Oklahoma Statutes, and the audit report shall be certified to the Governor of this state to be true and correct, under oath, by the chair and vice-chair of the Board. A copy of such certified report, if not already available online, shall be delivered to the chairs of the respective Senate and House of Representatives Committees having authority over matters relating to business, labor and construction industry licensing or regulation not later than February 1 each year.

D. The Board shall account for all fines, penalties and fees assessed and collected pursuant to the Administrative Procedures Act or any rule promulgated for regulation of any industry and trade under the authority of the Construction Industries Board. All fines, penalties and fees assessed for any violation of law or rule shall be automatically reviewed and brought before the entire Board

for consideration and vote not later than ninety (90) days from which it was imposed. The Construction Industries Administrator shall present to the Board a written recommendation and summary for each case in which an assessment of a fine, penalty or fee was imposed after administrative proceedings. The Board shall consider the recommendations for each case at the next meeting date and at such meeting shall either vote to affirm the recommendations or vote to deny the recommendations and remand the case for further administrative hearing, with or without instructions. No administrative case shall be delayed or continued by the Board after being placed on an agenda for final Board review, except with the consent of all parties. The licensee or persons affected by the imposition of an administrative fine, penalty or fee on final review by the Board shall have all rights of appeal preserved pursuant to the Administrative Procedures Act until final action by the Board. Collection of unpaid, finalized administrative fines by the Board, directly or through contracted services unless otherwise provided in law, may be sought beginning ninety (90) days after final disposition and order of the matter through the processes established by this act and the Administrative Procedures Act.

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

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

Passed the House of Representatives the 4th day of March, 2025.

Presiding Officer of the House
of Representatives

Passed the Senate the 28th day of April, 2025.

Presiding Officer of the Senate

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: _____