

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 HOUSE BILL 2088

By: **Hill** and Fetgatter

5
6
7 AS INTRODUCED

8 An Act relating to professions and occupations;
9 amending 59 O.S. 2011, Sections 1033, 1038 and 1041,
10 as amended by Sections 1, 3 and 4, Chapter 346,
11 O.S.L. 2017 (59 O.S. Supp. 2018, Sections 1033, 1038
12 and 1041), which relate to the Oklahoma Inspectors
13 Act; modifying definition; changing license
14 expiration; deleting language; modifying census
15 information used for certain exemption; and providing
16 an effective date.

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

17 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1033, as
18 amended by Section 1, Chapter 346, O.S.L. 2017 (59 O.S. Supp. 2018,
19 Section 1033), is amended to read as follows:

20 Section 1033. As used in the Oklahoma Inspectors Act:

21 1. "Board" means the Construction Industries Board;

22 2. "Committee" means the Oklahoma Inspector Examiners

23 Committee;

1 3. "Building and construction inspection" means the inspection
2 of plumbing, electrical, mechanical or structural aspects of
3 building and construction, for the purpose of enforcing compliance
4 with the applicable building codes or standards;

5 4. "Building and construction inspector" means any person
6 actively engaged in the inspection of any phase of building and
7 construction by the political subdivision having managerial and
8 superintending control over building codes as the code official for
9 the purpose of enforcing and having the authority to enforce
10 compliance with the applicable building codes or standards and
11 includes, but is not limited to, plumbing inspectors, electrical
12 inspectors, mechanical inspectors and structural building
13 inspectors;

14 5. "Building official" means the licensed employee code
15 official having the duty to administer and the authority to enforce
16 building codes in the political subdivision;

17 6. "Certification" means successful passage of an examination
18 by a Committee-approved national certification program in a license
19 category pursuant to the Oklahoma Inspectors Act;

20 7. "Circuit rider inspector" means a person who acts as a
21 building and construction inspector for two or more municipalities
22 or other political subdivisions and is certified and licensed
23 pursuant to the Oklahoma Inspectors Act;

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

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

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

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

6 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1038, as
7 amended by Section 3, Chapter 346, O.S.L. 2017 (59 O.S. Supp. 2018,
8 Section 1038), is amended to read as follows:

9 Section 1038. A. Other than two-year provisional licenses, no
10 license shall be issued for longer than one (1) year and all
11 licenses shall expire on the last day in the birth date month of the
12 licensee. ~~The Construction Industries Board shall establish by rule~~
13 ~~a method for prorating license fees to coincide with the birth date~~
14 ~~of the licensee.~~

15 B. An application for the renewal of a license which is
16 received more than thirty (30) days following the date of expiration
17 and which is accompanied by a fee established pursuant to Section
18 1000.5 of this title, and proof of current continuing education
19 requirements, may be accepted and the license reissued without
20 examination.

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

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

12 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1041, as
13 amended by Section 4, Chapter 346, O.S.L. 2017 (59 O.S. Supp. 2018,
14 Section 1041), is amended to read as follows:

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

20 Any municipality or other political subdivision of the state
21 with a population of ten thousand (10,000) or less according to the
22 most current census published by the ~~Oklahoma Employment Security~~
23 ~~Board~~ United States Census Bureau shall be exempt from the
24 provisions of the Oklahoma Inspectors Act, unless such municipality

1 or other political subdivision of the state employs the services of
2 a circuit rider inspector or an authorized agent.

3 SECTION 4. This act shall become effective November 1, 2019.
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5 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/28/2019 - DO PASS,
6 As Coauthored.
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