

1 **SENATE FLOOR VERSION**

2 April 11, 2019

3 **AS AMENDED**

4 ENGROSSED HOUSE
5 BILL NO. 1956

6 By: Strom of the House

7 and

8 Daniels of the Senate

9 **[professions and occupations - Oklahoma Inspectors**
10 **Act - investigation power of the Construction**
11 **Industries Board - list of inspectors - penalties -**
12 **funds - effective date]**

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

14 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1039, is
15 amended to read as follows:

16 Section 1039. A. The Oklahoma Inspector Examiners Committee
17 may, upon its own motion, and shall upon written complaint filed by
18 any person, investigate inspection practices of any person
19 performing or holding themselves out as one performing the work of a
20 building and construction inspector pursuant to the Oklahoma
21 Inspectors Act.

22 B. The Committee may request that an individual proceeding be
23 conducted to determine whether ~~the licensee~~ any person has:

- 1 1. Made a material misstatement in the application for license
- 2 or renewal thereof;
- 3 2. Loaned or illegally used the license of the licensee;
- 4 3. Demonstrated incompetency to act as a building and
- 5 construction inspector; ~~or~~
- 6 4. Violated any provision of the Oklahoma Inspectors Act, or
- 7 any rule promulgated or order issued pursuant to the Oklahoma
- 8 Inspectors Act; or
- 9 5. Performed, or held themselves out as performing, the work of
- 10 a building and construction inspector pursuant to this act.

11 C. After a finding by an impartial hearing examiner that ~~the~~
12 ~~licensee~~ any person is guilty of any violation as provided for in
13 subsection B of this section, the Construction Industries Board may:

- 14 1. Suspend or revoke the license;
- 15 2. Defer such suspension or revocation pending mitigating or
- 16 remedial action by the licensee; or
- 17 3. Assess administrative penalties pursuant to the provisions
- 18 of Section 1044 of this title.

19 D. Any person whose license has been revoked by the Board may
20 not apply for a new license for at least one (1) year from the date
21 of such revocation.

22 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1041, as
23 amended by Section 4, Chapter 346, O.S.L. 2017 (59 O.S. Supp. 2018,
24 Section 1041), is amended to read as follows:

1 Section 1041. A. Any municipality or other governmental entity
2 which employs any person as a building and construction inspector
3 for functions normally performed by a building and construction
4 inspector shall notify the Construction Industries Board of the
5 employment.

6 B. Any municipality or other political subdivision of the state
7 with a population of ten thousand (10,000) or less according to the
8 most current census published by the Oklahoma Employment Security
9 Board shall be exempt from the provisions of the Oklahoma Inspectors
10 Act, unless such municipality or other political subdivision of the
11 state employs the services of a circuit rider inspector or an
12 authorized agent.

13 C. Any municipality or other political subdivision of the state
14 with a population of more than ten thousand (10,000), according to
15 the most current census published by the United States Census
16 Bureau, shall provide the Board a list of all building and
17 construction inspectors it uses to perform building and construction
18 inspections and update the list within thirty (30) days of a change
19 in personnel. For each name provided, the list shall include the
20 license category and type of building and construction inspections
21 the person performs for that jurisdiction.

22 D. Any municipality or other political subdivision of the state
23 with a population of more than ten thousand (10,000), according to
24 the most current census published by the United States Census

1 Bureau, failing to provide a list of all building and construction
2 inspectors and updating the list within thirty (30) days of a change
3 in personnel shall remit a late fee assessment not to exceed Twenty-
4 five Dollars (\$25.00) for every month the list is not provided or
5 updated. Late fees remaining unpaid for thirty (30) days shall be
6 assessed additional delinquent fees not to exceed Fifty Dollars
7 (\$50.00) for every month the list is not provided or updated. In
8 addition, the jurisdiction will be listed on the Board's website for
9 public notice of noncompliance with this act.

10 E. Late fees shall be remitted to the Board within thirty (30)
11 days after the end of the preceding calendar month for deposit in
12 the Oklahoma Inspectors Revolving Fund created pursuant to Section
13 1042 of this title. Along with the remittance, each municipality or
14 other political subdivision shall also submit a report stating the
15 total amount of funds remitted and the name of the person, license
16 category and type of building and construction inspection the person
17 performed for that jurisdiction. The report shall be made on
18 computerized or manual disposition reports pursuant to the rules of
19 the Board.

20 F. It shall be the responsibility of the municipality or other
21 political subdivision to account for and ensure the correctness and
22 accuracy of payments made pursuant to this section.

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1 G. Funds remitted to the Board pursuant to this section shall
2 be deposited in the Oklahoma Inspectors Revolving Fund and shall be
3 used solely for the purposes provided under this act.

4 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1044, is
5 amended to read as follows:

6 Section 1044. Any person convicted of acting or performing as a
7 building and construction inspector without the proper license shall
8 be guilty of a misdemeanor and shall be punished by a fine of not
9 less than Two Hundred Fifty Dollars (\$250.00) nor more than Two
10 Thousand Five Hundred Dollars (\$2,500.00), together with the costs
11 of prosecution. In instances where there is no misdemeanor
12 proceeding, any person acting or performing as a building or
13 construction inspector without a proper license may receive an
14 administrative penalty of not less than a written warning or an
15 administrative fine of not less than Two Hundred Fifty Dollars
16 (\$250.00) nor more than One Thousand Dollars (\$1,000.00). Each day
17 of violation shall constitute a separate offense.

18 Any entity who employs an unlicensed person to perform the
19 duties and responsibilities of a building and construction inspector
20 or who fails to notify the Construction Industries Board of the
21 employment of an inspector ~~shall~~ may be subject to an administrative
22 fine of not more than Two Hundred Dollars (\$200.00) for each
23 violation. Each day a person is in violation may constitute a
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1 separate violation. The maximum fine shall not exceed One Thousand
2 Dollars (\$1,000.00).

3 SECTION 4. This act shall become effective November 1, 2019.

4 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
5 April 11, 2019 - DO PASS AS AMENDED
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