

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

HOUSE BILL 2088

By: Fetgatter

AS INTRODUCED

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

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

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

Section 1033. As used in the Oklahoma Inspectors Act:

1. "Board" means the Construction Industries Board;

2. "Committee" means the Oklahoma Inspector Examiners Committee;

3. "Building and construction inspection" means the inspection of plumbing, electrical, mechanical or structural aspects of

1 building and construction, for the purpose of enforcing compliance
2 with the applicable building codes or standards;

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

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

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

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

22 8. "Inactive building and construction inspector" means a
23 previously licensed building and construction inspector, having
24 successfully passed an examination by a Committee-approved national

1 certification program, who is currently not employed by a political
2 subdivision and therefore does not meet all requirements of the
3 Oklahoma Inspectors Act to perform building and construction
4 inspections pursuant to the Oklahoma Inspectors Act until all
5 requirements are met;

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

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

22 11. "Authorized agent" means one who is not a governmental
23 employee but an independent contractor who, through contract, is
24 designated by a political subdivision that issues building permits

1 and who meets the requirements under the Oklahoma Inspectors Act and
2 rules promulgated on the requirements of such licensure.

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

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

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

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

23 D. If the licensed building and construction inspector is not
24 employed at the time of renewal, the license may be renewed if the

1 applicant is otherwise compliant with the requirements of the
2 Oklahoma Inspectors Act including meeting continuing education
3 requirements; however, the renewal application must reflect the
4 change in employment along with a request to renew as inactive
5 status. An inactive license status may be changed to active status
6 upon notification of employment to the Construction Industries
7 Board.

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

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

16 Any municipality or other political subdivision of the state
17 with a population of ten thousand (10,000) or less according to the
18 most current census published by the ~~Oklahoma Employment Security~~
19 ~~Board~~ United States Census Bureau shall be exempt from the
20 provisions of the Oklahoma Inspectors Act, unless such municipality
21 or other political subdivision of the state employs the services of
22 a circuit rider inspector or an authorized agent.

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

57-1-5062 LRB 01/15/19