

1 **SENATE FLOOR VERSION**

2 April 10, 2025

3 ENGROSSED HOUSE
4 BILL NO. 1216

By: West (Kevin) of the House

5 and

6 Alvord of the Senate

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

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

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

19 Section 1000.4. A. 1. Pursuant to and in compliance with
20 Article I of the Administrative Procedures Act, the Construction
21 Industries Board shall have the power to adopt, amend, repeal, and
22 promulgate rules as may be necessary to regulate the plumbing,
23 electrical, roofing, and mechanical trades, building and
24 construction inspectors and home inspectors. All rules promulgated

1 by the Board shall be reviewed and approved as provided in
2 subsection F of Section 308 of Title 75 of the Oklahoma Statutes.

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

9 B. The Board shall have the following powers:

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

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

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

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

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

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

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

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

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

20 C. The Board shall account for all receipts and expenditures of
21 the monies of the Board, including annually preparing and publishing
22 a statement of receipts and expenditures of the Board for each
23 fiscal year. The Board's annual statement of receipts and
24 expenditures shall be audited by the State Auditor and Inspector or

1 an independent accounting firm in accordance with the provisions of
2 subsection B of Section 212 of Title 74 of the Oklahoma Statutes,
3 and the audit report shall be certified to the Governor of this
4 state to be true and correct, under oath, by the chair and vice-
5 chair of the Board. A copy of such certified report, if not already
6 available online, shall be delivered to the chairs of the respective
7 Senate and House of Representatives Committees having authority over
8 matters relating to business, labor and construction industry
9 licensing or regulation not later than February 1 each year.

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

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

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

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

22 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND INSURANCE
23 April 10, 2025 - DO PASS
24