

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 148

By: Gollihare

AS INTRODUCED

An Act relating to the State Fire Marshal; amending 74 O.S. 2021, Section 324.11, as amended by Section 2, Chapter 311, O.S.L. 2022 (74 O.S. Supp. 2024, Section 324.11), which relates to building permits; updating statutory language; allowing submission to certain approved entities for plan review; requiring State Fire Marshal to promulgate certain rules; updating statutory references; and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 2021, Section 324.11, as amended by Section 2, Chapter 311, O.S.L. 2022 (74 O.S. Supp. 2024, Section 324.11), is amended to read as follows:

Section 324.11. A. No person, firm, corporation, partnership, organization, city, town, school district, county, or other subdivision of government shall commence the construction or major alteration of any buildings or structures that are classified as occupancies in the building codes adopted by the Oklahoma Uniform Building Code Commission including all defined occupancies within these groups, or install original equipment for the operation or

1 maintenance thereof without obtaining a permit. The permit, for
2 which a charge may be made in conformity with the local ordinance,
3 except as limited herein as to governmental agencies, shall be
4 obtained from the city, town, or county in whose jurisdiction the
5 construction or alteration is planned.

6 B. All such construction or alteration so planned shall conform
7 to the applicable provisions of the building code, as last adopted
8 by the Oklahoma Uniform Building Code Commission.

9 C. Application for such building permit shall be made to, and
10 such building permit shall be issued by, any city, town, or county
11 in whose jurisdiction the construction or alteration is planned.
12 The city, town, or county may require the submission of plans and
13 specifications covering the proposed construction or alteration and
14 may refuse to issue such permit unless the work so planned is in
15 accordance with the applicable provisions of the city, town, or
16 county's building code. Any city, town, or county that requires the
17 submission of plans and specifications may provide for review of
18 plans by an entity approved by the city, town, or county.

19 D. In all geographical areas ~~wherein~~ where no such permit is
20 required by local authorities ~~such~~ pursuant to this section, the
21 permit ~~must~~ shall be obtained from either the State Fire Marshal,
22 ~~who may require the submission of plans and specifications covering~~
23 ~~the proposed construction or alteration, and shall refuse to issue~~
24 ~~such permit unless the work so planned is in accordance with the~~

1 ~~applicable provisions of the International Building Code,~~
2 ~~International Existing Building Code, and International Fire Code,~~
3 ~~as last adopted by the Oklahoma Uniform Building Code Commission;~~
4 ~~provided, that the foregoing~~ or an entity approved by the State Fire
5 Marshal that provides plan review services. The State Fire Marshal
6 shall promulgate rules to enact the provisions of this subsection.

7 E. The State Fire Marshal shall provide approval or disapproval
8 of a permit received under the provisions of subsection D of this
9 section no more than ninety (90) days after receipt. Disapproval of
10 a permit must include written notice to the applicant identifying
11 the specific features that do not comply with the applicable codes,
12 as well as the specific code chapters and sections. If no written
13 notice for a disapproval is provided within the ninety (90) days,
14 the permit shall be deemed approved, and any necessary permit shall
15 be issued by the State Fire Marshal on the next business day.

16 F. The provisions of ~~this sentence~~ subsections C and D of this
17 section shall not apply to locations in any geographical area that
18 are owned or operated by a state beneficiary public trust or have
19 been purchased or leased from a state beneficiary public trust.
20 Furthermore, nothing in ~~this~~ subsection D of this section shall be
21 construed as requiring a person to obtain a permit from the State
22 Fire Marshal for the construction or alteration of a single-family
23 dwelling, duplex residential dwelling, barn, shed, or carport
24 attached to a single-family dwelling, or duplex residential dwelling

1 when such structure is located in an unincorporated area of a
2 county.

3 ~~D.~~ G. Nothing in Section 324.1 et seq. of this title shall be
4 construed as repealing any ordinance of any city or town or any
5 order of any county requiring the submission to the local
6 authorities of plans and specifications and the obtaining of
7 permits, but the power or authority of any such city, town, or
8 county to levy or assess any charge for such permit or to make and
9 enforce requirements prerequisite to the issuance of such permit,
10 other than requiring compliance with such building code, shall, as
11 to governmental agencies, be limited as hereinafter set forth.

12 ~~E.~~ H. No city, town, or county requested to issue any such
13 permit to any city, town, school district, county, or other
14 subdivision of government shall charge, assess, or collect any fee
15 or other charge for such permit except the regular and customary
16 inspection fees fixed by ordinance for inspection of the work to be
17 done under such permit, and no other charge, fee, or other
18 conditions of any kind under the authority of this title shall be
19 made a condition of or prerequisite to the obtaining of such permit
20 by any such governmental agency.

21 ~~F.~~ I. No bids may be let for the construction or major
22 alteration of any correctional facility as defined by Section 317 of
23 this title until plans and specifications for such construction or
24 alteration have been submitted to the State Fire Marshal for

1 approval. The State Fire Marshal shall approve the plans and
2 specifications if the work so planned conforms with the applicable
3 provisions of the building code, as last adopted by the Oklahoma
4 Uniform Building Code Commission.

5 ~~G. J.~~ J. 1. Notwithstanding anything to the contrary in the fire
6 code ~~and/or~~ or building code, as last adopted by the Oklahoma
7 Uniform Building Code Commission, all facilities to be licensed as
8 assisted living facilities, or additions to existing assisted living
9 facilities, constructed after November 1, 2008, shall be constructed
10 ~~with the guidelines of the~~ in accordance with the building
11 guidelines set forth in the building code for I-II building
12 occupancies if at any time in their operation they house residents
13 who are not capable of responding to emergency situations without
14 physical assistance from staff of the facility or are not capable of
15 self-preservation.

16 2. Assisted living facilities licensed prior to July 1, 2008,
17 may house residents who are not capable of responding to emergency
18 situations without physical assistance from the staff or are not
19 capable of self-preservation under the following conditions: As
20 part of the annual licensure renewal process, the facility shall
21 disclose if any residents who reside in the facility are not capable
22 of responding to emergency situations without physical assistance
23 from staff or are not capable of self-preservation, and the facility
24 shall be required to install fire sprinkler protection and an alarm

1 system within the facility in accordance with the building
2 guidelines set forth in the building code for I-II facilities.

3 3. Assisted living facilities licensed to house six or fewer
4 residents prior to July 1, 2008, shall be permitted to install
5 National Fire Protection Association (NFPA) 13D or 13R fire
6 sprinkler protection in lieu of meeting I-II sprinkler requirements,
7 with approval of the municipal fire marshal or compliance with local
8 codes.

9 4. For purposes of this subsection:

10 a. the term "assisted living center" shall include an
11 assisted living center licensed as such by the State
12 Department of Health and the assisted living center
13 component of a continuum care facility licensed by the
14 State Department of Health, and

15 b. the terms "fire code" and "building code" shall be
16 deemed to include:

17 (1) any and all appendices, commentary, amendments
18 and supplements to, and replacements or
19 restatements of, ~~the Codes~~ codes, and

20 (2) any and all other laws, ordinances, regulations,
21 codes, or standards pertaining to assisted living
22 center construction, occupancy, and maintenance
23 for the protection of lives and property from
24 fire.

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SECTION 2. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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