

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1283

By: Wallace

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to professions and occupations;
10 amending 59 O.S. 2011, Sections 1033, 1036, 1038 and
11 1041 which relate to the Oklahoma Inspectors Act;
12 modifying definitions; defining terms; modifying
13 licensing requirements; removing obsolete language;
14 authorizing license renewal of unemployed inspectors;
15 specifying conditions; providing for separate
16 classification of inspector license; defining terms;
17 specifying requirements for licensing; specifying
18 certain restrictions on license holders; providing
19 for codification; and providing an effective date.

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

21 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1033, is
22 amended to read as follows:

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

- 24 1. "Board" means the Construction Industries Board;
2. "Committee" means the Oklahoma Inspector Examiners

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; ~~and~~

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;
24

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 1036, is
7 amended to read as follows:

8 Section 1036. A. Applicants for certification and license
9 shall:

10 1. Show proof of certification ~~or licensing by a program or~~
11 ~~governmental entity approved by the Construction Industries Board,~~
12 ~~or~~ by successful completion of an examination approved by the
13 Oklahoma Inspector Examiners Committee; and

14 2. ~~Have been certified by the Committee as having passed the~~
15 ~~examination~~ Be employed by a political subdivision.

16 The Board shall issue a license to any person who has met the
17 requirements of ~~paragraph~~ paragraphs 1 ~~or~~ and 2 of this subsection
18 and who has paid the fees required by the Oklahoma Inspectors Act
19 and has otherwise complied with the applicable requirements of the
20 Oklahoma Inspectors Act. Provided, the Board may issue a
21 provisional license limited to two (2) years to enable an applicant
22 to meet the ~~certification~~ licensing requirements of this subsection
23 while seeking certification by examination.

1 B. Examinations shall be uniform and shall be practical in
2 nature but shall be sufficiently strict to test the qualifications
3 and fitness of the applicant as a building and construction
4 inspector. The examination shall be in whole or in part in writing.
5 Examination dates shall be set by the Committee or by the
6 examination provider. Any applicant failing to pass the examination
7 shall not be permitted to take another examination for a period of
8 thirty (30) days, and thereafter any such applicants subsequently
9 failing to pass the examination shall not be permitted to take a
10 subsequent examination for a period of ninety (90) days.

11 C. All licenses shall be nontransferable and it shall be
12 unlawful for any holder of a license issued pursuant to the Oklahoma
13 Inspectors Act to loan or allow the use of such license by any other
14 person, firm or corporation.

15 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1038, is
16 amended to read as follows:

17 Section 1038. A. ~~Until June 30, 2004,~~ Other than two-year
18 provisional licenses, no license shall be issued for longer than one
19 (1) year and all licenses shall expire on ~~June 30 of each year.~~
20 ~~Beginning July 1, 2004, all licenses shall expire on~~ the birth date
21 of the licensee. The Construction Industries Board shall establish
22 by rule a method for prorating license fees to coincide with the
23 birth date of the licensee.

24

1 B. An application for the renewal of a license which is
2 received more than thirty (30) days following the date of expiration
3 and which is accompanied by a fee established pursuant to Section
4 1000.5 of this title, and proof of current continuing education
5 requirements, may be accepted and the license reissued without
6 examination.

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

12 D. If the licensed building and construction inspector is not
13 employed at the time of renewal, the license may be renewed if the
14 applicant is otherwise compliant with the requirements of the
15 Oklahoma Inspectors Act including meeting continuing education
16 requirements; however, the renewal application must reflect the
17 change in employment along with a request to renew as inactive
18 status. An inactive license status may be changed to active status
19 upon notification of employment to the Construction Industries
20 Board.

21 SECTION 4. AMENDATORY 59 O.S. 2011, Section 1041, is
22 amended to read as follows:

23 Section 1041. Any municipality or other governmental entity
24 which employs any person as a building and construction inspector

1 for functions normally performed by a building and construction
2 inspector shall notify the Construction Industries Board of the
3 employment.

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

11 SECTION 5. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 1046 of Title 59, unless there
13 is created a duplication in numbering, reads as follows:

14 A. For purposes of a building and construction inspector
15 performing functions normally performed by a building and
16 construction inspector for a political subdivision pursuant to the
17 Oklahoma Inspectors Act, the Construction Industries Board shall
18 create for one acting as or performing the work of a building and
19 construction inspector a separate classification of inspector
20 license to act as an authorized agent of a political subdivision,
21 and such licensure shall be governed by the Oklahoma Inspectors Act
22 and rules promulgated on the requirements of such licensure.

23 B. As used in this section, "authorized agent" means one who is
24 not a governmental employee but an independent contractor who,

1 through contract, is designated by a political subdivision that
2 issues building permits and who meets the requirements under the
3 Oklahoma Inspectors Act and rules promulgated on the requirements of
4 such licensure. An authorized agent is excluded from the population
5 limitations of Section 1041 of Title 59 of the Oklahoma Statutes and
6 is required to be licensed regardless of the population of the
7 political subdivision.

8 C. To obtain an authorized agent inspector license, the
9 individual shall:

10 1. Be engaged in an independently established business
11 approved, individually accepted and designated by a political
12 subdivision, meet all requirements for a state inspector's license
13 in the category of the inspections being performed and be free of
14 direction and control of any contractor who is requesting the
15 inspection;

16 2. Pass the inspector examination approved by the Oklahoma
17 Inspector Examiners Committee and complete all other requirements in
18 the Oklahoma Inspectors Act and rules for each category sought; and

19 3. Complete an authorized agent inspector license application
20 for the examination, license or renewal of license. The application
21 shall be completed in writing on forms furnished by the Construction
22 Industries Board. Each application shall be accompanied by a fee
23 and proof of continuing education for renewals as required in the
24 Oklahoma Inspectors Act and rules. Every applicant shall provide to

1 the Construction Industries Board, on new and renewal applications,
2 a notarized certification by a political subdivision's city or
3 county manager, clerk or director of inspections department that the
4 applicant will be performing as an authorized agent of that
5 political subdivision.

6 D. It shall be unlawful for any person to act as or perform the
7 work of an authorized agent inspector unless such person is
8 qualified and licensed pursuant to the Oklahoma Inspectors Act. An
9 authorized agent inspector license does not authorize an individual
10 to issue permits.

11 E. Authorized agent inspectors licensed by the state are deemed
12 to be acting as independent contractors and not as officers,
13 employees or agents of the state. The state assumes no liability
14 for the actions or omissions of licensed authorized agents.

15 F. Authorized agents shall:

16 1. In addition to complying with the provisions of the Oklahoma
17 Inspectors Act, provide proof of insurance coverage of up to One
18 Million Dollars (\$1,000,000.00) in professional liability insurance,
19 in addition to One Million Dollars (\$1,000,000.00) in errors and
20 omissions insurance as set by rule. Proof of valid and current
21 insurance coverage must be provided upon application for
22 registration and renewal of registration in the form of an insurance
23 certificate listing the State of Oklahoma as the certificate holder.
24 Further, proof of compliance with the workers' compensation laws of

1 Oklahoma or exemption is required. Lapse of insurance shall result
2 in the change of license status to inactive;

3 2. Not be under the direction and control of any entity that
4 performs industrial, commercial or residential construction within
5 the political subdivision in which they would provide services;

6 3. Not be under the direction and control of any entity that
7 designs industrial, commercial or residential projects within the
8 political subdivision in which they would provide services;

9 4. Provide written reports acceptable to the political
10 subdivision according to the political subdivision requirements;

11 5. Not be prohibited in this act from providing other plan
12 review and inspection services for jurisdictions that pertain to
13 infrastructure projects, utilities projects or other services not
14 regulated by the Oklahoma Inspectors Act;

15 6. Not be allowed to apply for a provisional license as
16 described in Section 1036 of Title 59 of the Oklahoma Statutes; and

17 7. Provide evidence of being certified for the specific license
18 category for which they are applying and shall only provide services
19 in the area of certification and licensing.

20 SECTION 6. This act shall become effective November 1, 2017.

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22 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM,
23 dated 02/23/2017 - DO PASS, As Amended.

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