

An Act

ENROLLED HOUSE
BILL NO. 2088

By: Hill and Fetgatter of the
House

and

Montgomery of the Senate

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.

SUBJECT: Oklahoma Inspectors Act

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 building and construction, for the purpose of enforcing compliance with the applicable building codes or standards;
4. "Building and construction inspector" means any person actively engaged in the inspection of any phase of building and

construction by the political subdivision having managerial and superintending control over building codes as the code official for the purpose of enforcing and having the authority to enforce compliance with the applicable building codes or standards and includes, but is not limited to, plumbing inspectors, electrical inspectors, mechanical inspectors and structural building inspectors;

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

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

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

8. "Inactive building and construction inspector" means a previously licensed building and construction inspector, having successfully passed an examination by a Committee-approved national certification program, who is currently not employed by a political subdivision and therefore does not meet all requirements of the Oklahoma Inspectors Act to perform building and construction inspections pursuant to the Oklahoma Inspectors Act until all requirements are met;

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

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

provided and acceptable to the building official, designated code official or political subdivision for final code evaluation; and

11. "Authorized agent" means one who is not a governmental employee but an independent contractor who, through contract, is designated by a political subdivision that issues building permits and who meets the requirements under the Oklahoma Inspectors Act and rules promulgated on the requirements of such licensure.

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

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

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

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

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

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

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

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

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

Passed the House of Representatives the 7th day of March, 2019.

Presiding Officer of the House
of Representatives

Passed the Senate the 9th day of April, 2019.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____