

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 907

By: Dugger

4
5 AS INTRODUCED

6 An Act relating to the Oklahoma Inspectors Act;
7 amending 59 O.S. 2011, Section 1033, as amended by
8 Section 1, Chapter 346, O.S.L. 2017 (59 O.S. Supp.
9 2018, Section 1033), which relates to definitions;
10 modifying definition of provisional license; removing
11 definition of report writer; amending 59 O.S. 2011,
12 Section 1036, as amended by Section 2, Chapter 346,
13 O.S.L. 2017 (59 O.S. Supp. 2018, Section 1036), which
14 relates to provisional licenses; modifying language
15 providing for certain license; providing requirement
16 for use of certain license; amending 59 O.S. 2011,
17 Section 1038, as amended by Section 3, Chapter 346,
18 O.S.L. 2017 (59 O.S. Supp. 2018, Section 1038), which
19 relates to licenses; modifying certain reference; and
20 providing an effective date.

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

22 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1033, as
23 amended by Section 1, Chapter 346, O.S.L. 2017 (59 O.S. Supp. 2018,
24 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
21 Committee;

3. "Building and construction inspection" means the inspection
22 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, under the supervision of a
9 licensed mentor and limited to a maximum of ~~two (2) years~~ six (6)
10 months in each license category for the purpose of enabling an
11 applicant to meet the certification requirements;

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

23 ~~11.~~ 10. "Authorized agent" means one who is not a governmental
24 employee but an independent contractor who, through contract, is

1 designated by a political subdivision that issues building permits
2 and who meets the requirements under the Oklahoma Inspectors Act and
3 rules promulgated on the requirements of such licensure.

4 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1036, as
5 amended by Section 2, Chapter 346, O.S.L. 2017 (59 O.S. Supp. 2018,
6 Section 1036), is amended to read as follows:

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

- 9 1. Show proof of certification by successful completion of an
10 examination approved by the Oklahoma Inspector Examiners Committee;
11 and
- 12 2. Be employed by a political subdivision.

13 The Board shall issue a license to any person who has met the
14 requirements of paragraphs 1 and 2 of this subsection and who has
15 paid the fees required by the Oklahoma Inspectors Act and has
16 otherwise complied with the applicable requirements of the Oklahoma
17 Inspectors Act. Provided, the Board may issue a one-time
18 provisional license limited to ~~two (2) years~~ six (6) months to
19 enable an applicant to meet the licensing requirements of this
20 subsection while seeking certification by examination. If a
21 provisional one-time license is used, a supervisor who holds a
22 license shall review and sign the report.

23 B. Examinations shall be uniform and shall be practical in
24 nature but shall be sufficiently strict to test the qualifications

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

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

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

16 Section 1038. A. Other than ~~two-year~~ six (6) month provisional
17 licenses, no license shall be issued for longer than one (1) year
18 and all licenses shall expire on the birth date of the licensee.
19 The Construction Industries Board shall establish by rule a method
20 for prorating license fees to coincide with the birth date of the
21 licensee.

22 B. An application for the renewal of a license which is
23 received more than thirty (30) days following the date of expiration
24 and which is accompanied by a fee established pursuant to Section

1 1000.5 of this title, and proof of current continuing education
2 requirements, may be accepted and the license reissued without
3 examination.

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

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

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

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