

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1956

By: Strom

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5  
6 AS INTRODUCED

7 An Act relating to professions and occupations;  
8 amending 59 O.S. 2011, Sections 1039, 1041, as  
9 amended by Section 4, Chapter 346, O.S.L. 2017 and  
10 1044 (59 O.S. Supp. 2018, Section 1041), which relate  
11 to the Oklahoma Inspectors Act; modifying  
12 investigation power of the Construction Industries  
Board; requiring certain municipalities to provide  
list of inspectors to Board; providing penalties for  
noncompliance; requiring submission of certain  
report; providing for remittance and usage of funds;  
and providing an effective date.

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

15 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1039, is  
16 amended to read as follows:

17 Section 1039. A. The Oklahoma Inspector Examiners Committee  
18 may, upon its own motion, and shall upon written complaint filed by  
19 any person, investigate inspection practices of any person  
20 performing or holding themselves out as one performing the work of a  
21 building and construction inspector pursuant to the Oklahoma  
22 Inspectors Act.

23 B. The Committee may request that an individual proceeding be  
24 conducted to determine whether ~~the licensee~~ any person has:

- 1 1. Made a material misstatement in the application for license  
2 or renewal thereof;
- 3 2. Loaned or illegally used the license of the licensee;
- 4 3. Demonstrated incompetency to act as a building and  
5 construction inspector; ~~or~~
- 6 4. Violated any provision of the Oklahoma Inspectors Act, or  
7 any rule promulgated or order issued pursuant to the Oklahoma  
8 Inspectors Act; or
- 9 5. Performed, or held themselves out as performing, the work of  
10 a building and construction inspector pursuant to this act.

11 C. After a finding by an impartial hearing examiner that ~~the~~  
12 ~~licensee~~ any person is guilty of any violation as provided for in  
13 subsection B of this section, the Construction Industries Board may:

- 14 1. Suspend or revoke the license;
- 15 2. Defer such suspension or revocation pending mitigating or  
16 remedial action by the licensee; or
- 17 3. Assess administrative penalties pursuant to the provisions  
18 of Section 1044 of this title.

19 D. Any person whose license has been revoked by the Board may  
20 not apply for a new license for at least one (1) year from the date  
21 of such revocation.

22 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1041, as  
23 amended by Section 4, Chapter 346, O.S.L. 2017 (59 O.S. Supp. 2018,  
24 Section 1041), is amended to read as follows:

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

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

13 C. Any municipality or other political subdivision of the state  
14 with a population of more than ten thousand (10,000), according to  
15 the most current census published by the United States Census  
16 Bureau, shall provide the Board a list of all building and  
17 construction inspectors it uses to perform building and construction  
18 inspections and update the list within thirty (30) days of a change  
19 in personnel. For each name provided, the list shall include the  
20 license category and type of building and construction inspections  
21 the person performs for that jurisdiction.

22 D. Any municipality or other political subdivision of the state  
23 with a population of more than ten thousand (10,000), according to  
24 the most current census published by the United States Census

1 Bureau, failing to provide a list of all building and construction  
2 inspectors and updating the list within thirty (30) days of a change  
3 in personnel shall remit a late fee assessment not to exceed Twenty-  
4 five Dollars (\$25.00) for every month the list is not provided or  
5 updated. Late fees remaining unpaid for thirty (30) days shall be  
6 assessed additional delinquent fees not to exceed Fifty Dollars  
7 (\$50.00) for every month the list is not provided or updated. In  
8 addition, the jurisdiction will be listed on the Board's website for  
9 public notice of noncompliance with this act.

10 E. Late fees shall be remitted to the Board within thirty (30)  
11 days after the end of the preceding calendar month for deposit in  
12 the Oklahoma Inspectors Revolving Fund created pursuant to Section  
13 1042 of this title. Along with the remittance, each municipality or  
14 other political subdivision shall also submit a report stating the  
15 total amount of funds remitted and the name of the person, license  
16 category and type of building and construction inspection the person  
17 performed for that jurisdiction. The report shall be made on  
18 computerized or manual disposition reports pursuant to the rules of  
19 the Board.

20 F. It shall be the responsibility of the municipality or other  
21 political subdivision to account for and ensure the correctness and  
22 accuracy of payments made pursuant to this section.

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1        G. Funds remitted to the Board pursuant to this section shall  
2 be deposited in the Oklahoma Inspectors Revolving Fund and shall be  
3 used solely for the purposes provided under this act.

4        SECTION 3.        AMENDATORY        59 O.S. 2011, Section 1044, is  
5 amended to read as follows:

6        Section 1044. Any person convicted of acting or performing as a  
7 building and construction inspector without the proper license shall  
8 be guilty of a misdemeanor and shall be punished by a fine of not  
9 less than Two Hundred Fifty Dollars (\$250.00) nor more than Two  
10 Thousand Five Hundred Dollars (\$2,500.00), together with the costs  
11 of prosecution. Any person acting or performing as a building or  
12 construction inspector without a proper license may receive an  
13 administrative penalty of not less than a written warning or an  
14 administrative fine of not less than Two Hundred Fifty Dollars  
15 (\$250.00) nor more than One Thousand Dollars (\$1,000.00). Each day  
16 of violation shall constitute a separate offense.

17        Any entity who employs an unlicensed person to perform the  
18 duties and responsibilities of a building and construction inspector  
19 or who fails to notify the Construction Industries Board of the  
20 employment of an inspector ~~shall~~ may be subject to an administrative  
21 fine of not more than Two Hundred Dollars (\$200.00) for each  
22 violation. Each day a person is in violation may constitute a  
23 separate violation. The maximum fine shall not exceed One Thousand  
24 Dollars (\$1,000.00).

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

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