

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1956

By: Strom

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9 COMMITTEE SUBSTITUTE

10 An Act relating to professions and occupations;
11 amending 59 O.S. 2011, Sections 1039, 1041, as
12 amended by Section 4, Chapter 346, O.S.L. 2017 and
13 1044 (59 O.S. Supp. 2018, Section 1041), which relate
14 to the Oklahoma Inspectors Act; modifying
15 investigation power of the Construction Industries
16 Board; requiring certain municipalities to provide
17 list of inspectors to Board; providing penalties for
18 noncompliance; requiring submission of certain
19 report; providing for remittance and usage of funds;
20 and 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 1039, is
23 amended to read as follows:

24 Section 1039. A. The Oklahoma Inspector Examiners Committee
may, upon its own motion, and shall upon written complaint filed by
any person, investigate inspection practices of any person
performing or holding themselves out as one performing the work of a

1 building and construction inspector pursuant to the Oklahoma
2 Inspectors Act.

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

5 1. Made a material misstatement in the application for license
6 or renewal thereof;

7 2. Loaned or illegally used the license of the licensee;

8 3. Demonstrated incompetency to act as a building and
9 construction inspector; ~~or~~

10 4. Violated any provision of the Oklahoma Inspectors Act, or
11 any rule promulgated or order issued pursuant to the Oklahoma
12 Inspectors Act; or

13 5. Performed, or held themselves out as performing, the work of
14 a building and construction inspector pursuant to this act.

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

18 1. Suspend or revoke the license;

19 2. Defer such suspension or revocation pending mitigating or
20 remedial action by the licensee; or

21 3. Assess administrative penalties pursuant to the provisions
22 of Section 1044 of this title.

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1 D. Any person whose license has been revoked by the Board may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

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

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

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

19 C. Any municipality or other political subdivision of the state
20 with a population of more than ten thousand (10,000), according to
21 the most current census published by the United States Census
22 Bureau, shall provide the Board a list of all building and
23 construction inspectors it uses to perform building and construction
24 inspections and update the list within thirty (30) days of a change

1 in personnel. For each name provided, the list shall include the
2 license category and type of building and construction inspections
3 the person performs for that jurisdiction.

4 D. Any municipality or other political subdivision of the state
5 with a population of more than ten thousand (10,000), according to
6 the most current census published by the United States Census
7 Bureau, failing to provide a list of all building and construction
8 inspectors and updating the list within thirty (30) days of a change
9 in personnel shall remit a late fee assessment not to exceed Twenty-
10 five Dollars (\$25.00) for every month the list is not provided or
11 updated. Late fees remaining unpaid for thirty (30) days shall be
12 assessed additional delinquent fees not to exceed Fifty Dollars
13 (\$50.00) for every month the list is not provided or updated. In
14 addition, the jurisdiction will be listed on the Board's website for
15 public notice of noncompliance with this act.

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

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

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

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

11 Section 1044. Any person convicted of acting or performing as a
12 building and construction inspector without the proper license shall
13 be guilty of a misdemeanor and shall be punished by a fine of not
14 less than Two Hundred Fifty Dollars (\$250.00) nor more than Two
15 Thousand Five Hundred Dollars (\$2,500.00), together with the costs
16 of prosecution. In instances where there is no misdemeanor
17 proceeding, any person acting or performing as a building or
18 construction inspector without a proper license may receive an
19 administrative penalty of not less than a written warning or an
20 administrative fine of not less than Two Hundred Fifty Dollars
21 (\$250.00) nor more than One Thousand Dollars (\$1,000.00). Each day
22 of violation shall constitute a separate offense.

23 Any entity who employs an unlicensed person to perform the
24 duties and responsibilities of a building and construction inspector

1 or who fails to notify the Construction Industries Board of the
2 employment of an inspector ~~shall~~ may be subject to an administrative
3 fine of not more than Two Hundred Dollars (\$200.00) for each
4 violation. Each day a person is in violation may constitute a
5 separate violation. The maximum fine shall not exceed One Thousand
6 Dollars (\$1,000.00).

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

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9 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE, dated
10 02/18/2019 - DO PASS, As Amended.

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