

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 1956

By: Strom of the House

and

Daniels of the Senate

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.

16 AMENDMENT NO. 1. Page 1, strike title to read:

17 "[professions and occupations - Oklahoma Inspectors
18 Act - investigation power of the Construction
19 Industries Board - list of inspectors - penalties -
funds - effective date]"

1 ENGROSSED HOUSE
2 BILL NO. 1956

By: Strom of the House

3 and

4 Daniels of the Senate
5
6

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
13 Board; requiring certain municipalities to provide
14 list of inspectors to Board; providing penalties for
15 noncompliance; requiring submission of certain
16 report; providing for remittance and usage of funds;
17 and providing an effective date.

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

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

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

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

3 1. Made a material misstatement in the application for license
4 or renewal thereof;

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

6 3. Demonstrated incompetency to act as a building and
7 construction inspector; ~~or~~

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

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

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

16 1. Suspend or revoke the license;

17 2. Defer such suspension or revocation pending mitigating or
18 remedial action by the licensee; or

19 3. Assess administrative penalties pursuant to the provisions
20 of Section 1044 of this title.

21 D. Any person whose license has been revoked by the Board may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

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

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

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

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

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

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

23
24

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

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

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

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

21 Any entity who employs an unlicensed person to perform the
22 duties and responsibilities of a building and construction inspector
23 or who fails to notify the Construction Industries Board of the
24 employment of an inspector ~~shall~~ may be subject to an administrative

1 fine of not more than Two Hundred Dollars (\$200.00) for each
2 violation. Each day a person is in violation may constitute a
3 separate violation. The maximum fine shall not exceed One Thousand
4 Dollars (\$1,000.00).

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

6 Passed the House of Representatives the 13th day of March, 2019.

7

8

Presiding Officer of the House
of Representatives

9

10

Passed the Senate the ___ day of _____, 2019.

11

12

13

Presiding Officer of the Senate

14

15

16

17

18

19

20

21

22

23

24