

RULE IMPACT STATEMENT

TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 1. PROCEDURES OF THE OKLAHOMA CONSTRUCTION INDUSTRIES BOARD

1. **BRIEF DESCRIPTION OF PURPOSE OF PROPOSED RULE:** The purpose of the proposed amendments is to incorporate into the procedures for the Construction Industries Board the requirement currently in separate trade Acts (The Plumbing License Law of 1955, the Electrical License Act, and the Mechanical Licensing Act) for notice of certain trade work in incorporated areas without a municipal inspector; and, to clarify procedures related to requesting an inspection by a Construction Industries Board (CIB) Inspector and scheduling of such inspection.
2. **DESCRIPTION OF THE CLASSES OF PERSONS AFFECTED:** The agency, members of industry and persons subject to the provisions of The Plumbing License Law of 1955, the Electrical License Act, or the Mechanical Licensing Act, and anyone requesting a non-mandatory inspection.
3. **CLASSES OF PERSONS BENEFITTED:** The agency, members of industry and persons subject to the provisions of The Plumbing License Law of 1955, the Electrical License Act, or the Mechanical Licensing Act, and anyone requesting a non-mandatory inspection.
4. **ECONOMIC IMPACT UPON AFFECTED CLASSES OF PERSONS:** No fees are established or changed by the proposed rules. The proposed provisions of OAC 158:1-3-9(f) are already required by statute and therefore, there would be no new/different economic impact. The proposed provisions of OAC 158:1-3-9(g) should assist in arranging timely non-mandatory inspections by a CIB Inspector which would have a positive economic impact on the tradesman (electrical, plumbing or mechanical) and the general contractor for the construction job.
5. **COSTS AND BENEFITS TO THE AGENCY:** The proposed amendments create no new cost to the agency. The benefit is to have clear, unambiguous rules in place to assist those impacted by the rules.
6. **ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** No economic impact on any political subdivision is anticipated by the proposed rules.
7. **ECONOMIC IMPACT ON SMALL BUSINESS:** The economic impact on small business is not measurable.
8. **MEASURES TAKEN TO MINIMIZE COMPLIANCE COSTS:** The proposed rule changes are the least costly or least intrusive method of achieving the purpose of the proposed rules. There are no non-regulatory methods for achieving the purpose of the proposed rule changes.

9. **EFFECT OF THE PROPOSED RULE ON PUBLIC HEALTH:** It is important to have clear guidelines related to requesting an inspection of trade work since such an inspection would determine whether or not the work was completed according to codes most recently adopted by the Oklahoma Uniform Building Code Commission, thus helping to protect the health, safety and welfare of the public.
10. **DETRIMENTS TO PUBLIC HEALTH IF THE RULE IS NOT ADOPTED:** Trade work not completed according to the recently adopted codes could be a detriment to the health, safety and welfare of the public.
11. **DATE IMPACT STATEMENT PREPARED:** December 6, 2016.

TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 1. PROCEDURES OF THE OKLAHOMA CONSTRUCTION INDUSTRIES BOARD

SUBCHAPTER 3. GENERAL OPERATION AND PROCEDURES

158:1-3-9. Fees for plan review and project review for code conformance

(a) **Plan review fee.** For formal review of project plans pursuant to 59 O.S. §§ 1002.1, 1681.1 and 1850.3a, the Construction Industries Board shall charge a fee of \$ 75.00 per hour per review, one hour minimum, not to exceed \$200 for any single review.

(b) **Project review inspection fee.** For inspection services related to a project review for code conformance pursuant to 59 O.S. § 1000.5(A)(2), the Construction Industries Board shall charge a fee of \$ 75.00 per hour, per inspection, one hour minimum, not to exceed \$200 for any single inspection.

(c) **Limitations on inspection fees.** The fee required in subsection (b) herein only applies in localities where the Construction Industries Board is the authority having jurisdiction for code enforcement purposes and the inspection services are performed at the request of a contractor or property owner. The Construction Industries Board shall not charge a fee for inspections related to licensing or licensee investigations.

(d) **Each code inspection requires separate fee.** A separate fee shall be charged pursuant to subsection (b) herein based on the trade (plumbing, electrical or mechanical) work inspected for code conformance by the Construction Industries Board.

(e) **Subsequent code inspection requires separate fee.** A separate fee shall be charged pursuant to subsection (b) herein for each subsequent inspection of work for conformance to a code, including scheduled progress inspections performed at different intervals during the stages of construction.

(f) Notice requirement for work in incorporated areas without municipal inspector. No individual, business, company, corporation, limited liability company, association, or other entity subject to the provisions of The Plumbing License Law of 1955, the Electrical License Act, or the Mechanical Licensing Act, shall install, modify or alter plumbing, electrical facilities, or mechanical systems in any incorporated area of this State which has not adopted a State recognized code and which has not appointed an inspector for the respective trade without providing notice of such plumbing, electrical or mechanical work to the Board. The notification must be submitted on a notice form provided by the Board.

(g) Procedures to request inspection. All requested inspections require advance notification, and in no event shall such notification be given less than two (2) business days before the work is to be inspected. To request an inspection, contact the trade supervisor in the trade for which the inspection is requested. Once an inspection request has been received an inspector will contact the requestor within one (1) business day to schedule a time for the inspection. Failure to provide sufficient notice may result in the inability to provide the requested inspection within the time frame requested. If upon inspection the work is determined not to be in conformance with the applicable code as adopted by the Oklahoma Uniform Building Code Commission, the inspector may issue a notice of violation pursuant to this Chapter. Any inspection conducted by the Construction Industries Board only determines if the electrical, mechanical, or plumbing work was completed according to the recently adopted code and the Board, does not warranty or guarantee any work.

NOTICE OF RULEMAKING INTENT

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 1. PROCEDURES OF THE OKLAHOMA CONSTRUCTION INDUSTRIES BOARD**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Operation and Procedures

158:1-3-9. Fees for plan review and project review for code conformance [AMENDED]

SUMMARY:

No fees are established or changed by these proposed rules. The proposed amendments address the statutory requirement for notice of work related to installing, modifying or altering plumbing, electrical facilities, or mechanical systems in an incorporated area of the State which has not adopted a State recognized code and which has not appointed an inspector for the respective trade; and, clarify procedures for requesting an inspection by a Construction Industries Board Inspector.

AUTHORITY:

Construction Industries Board; 59 O.S. §§ 858-627, 1000.4, 1000.5, 1002, 1032, 1681, 1850.3, 1151.2a, and 1151.4

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 17, 2017, at the following address: 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

PUBLIC HEARING:

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 18, 2017, at the monthly meeting of the Construction Industries Board which will be held in the Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Linda Ruckman through the close of the comment period on January 17, 2017, at the address shown below for obtaining copies of the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available at the Construction Industries Board, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107, or online at www.cib.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 29, 2016, at the address listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Linda Ruckman, Board Secretary/Executive Assistant, 405-521-6550.