

RULE IMPACT STATEMENT

TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 60. INSPECTORS REGULATIONS

1. **BRIEF DESCRIPTION OF PURPOSE OF PROPOSED RULE:** The purpose of the proposed amendments to 158:60-5-3 is to clarify the existing rule that the unlimited inspector license requires an individual to take and pass both the residential certification examination and the commercial certification examination. The purpose of the proposed amendments to 158:60-5-5 is to amend the deadline for submission of applications for continuing education course approval; to clarify the manner in which continuing education courses must be presented; to require that an access code and password be provided to the Inspector Examiners Committee for an online course for the purpose of review and approval; to require that applications for correspondence or online courses be resubmitted annually, from date of approval, for review and approval; to establish guidelines for advertisement of approved continuing education courses; and to clarify that the provision that approval of a continuing education course is rescinded upon the adoption of a different statewide code by the OUBCC is applicable to all courses, including correspondence and online courses.
2. **DESCRIPTION OF THE CLASSES OF PERSONS AFFECTED:** The agency, members of industry and the public who are involved in or wish to be involved in the building inspection trade licensed and regulated by the Construction Industries Board ("CIB"), continuing education providers, and citizens of Oklahoma.
3. **CLASSES OF PERSONS BENEFITTED:** The agency, members of industry and the public who are involved in or wish to be involved in the building inspection trade licensed and regulated by the Construction Industries Board ("CIB"), continuing education providers, and citizens of Oklahoma.
4. **ECONOMIC IMPACT UPON AFFECTED CLASSES OF PERSONS:** It has always been a requirement that an individual take and pass both the residential certification examination and the commercial certification examination to receive an unlimited inspector license. The amendment is only to clarify the requirement, and therefore there is no economic impact. Since there is no fee for submitting an application for approval of continuing education courses, the only economic impact related to approval being rescinded upon adoption of a different statewide code would be the cost of time and materials to submit an application.
5. **COSTS AND BENEFITS TO THE AGENCY:** It is not anticipated that there would be a cost to the agency related to the proposed amendments. The benefit to the agency is to have clear, unambiguous rules. The deadline for submission of applications for continuing education benefits the agency by allowing time for staff to review the applications and prepare them for consideration by the Inspector Examiners Committee.
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:** Licensing helps to protect the health, safety and welfare of the public. Rescinding approval of continuing education courses upon adoption of a different statewide code helps building inspectors to receive education on the code changes.
10. **DETRIMENTS TO PUBLIC HEALTH IF THE RULE IS NOT ADOPTED:** There are no known detriments to public health if the rule is not adopted.
11. **DATE IMPACT STATEMENT PREPARED:** December 6, 2016.

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 60. INSPECTORS REGULATIONS**

**SUBCHAPTER 5. CATEGORIES AND CLASSIFICATIONS OF INSPECTOR
LICENSES, QUALIFICATIONS FOR INSPECTOR LICENSURE, LICENSE
REQUIREMENTS FOR INSPECTORS, FEES, CERTIFICATION AND CONTINUING
EDUCATION FOR INSPECTORS, AND CONTINUING EDUCATION COURSES**

158:60-5-3. License requirements for inspectors

- (a) The licensee shall notify the Construction Industries Board in writing within fifteen (15) days of any change in address or change in employment status related to the license.
- (b) The licensee shall, in addition to any local procedures or requirements, notify the Administrator as to persons suspected of performing building, electrical, mechanical, or plumbing work within their jurisdiction who are not properly licensed by the State. All licensed building and construction inspectors shall require all persons doing work in his/her jurisdiction to meet all requirements for licensing and code standards.
- (c) Any person who voluntarily surrenders their license during an investigation by the licensing authority shall be treated as if their license had been revoked by the Administrator on the day of surrender.
- (d) The licensee shall not attempt to retain licensure by making false statements concerning C.E.U.'s.
- (e) In political subdivisions where licensing is required by the Act, no person may perform building and construction inspections in a category in which he or she is not licensed.
- (f) To receive an unlimited inspector license, one must take and pass both the residential certification examination and the commercial certification examination.

158:60-5-5. Continuing education

(a) Continuing education requirements:

- (1) No license shall be renewed unless the licensee has completed at least six (6) hours of continuing education within twelve (12) months preceding the application for renewal.
- (2) Credit will only be given for continuing education programs approved by the Committee.
- (3) A licensee is exempt from the continuing education requirements of this Chapter for one (1) year from the date he or she passed their current licensing exam.

(b) Application procedures for continuing education course approval. Any provider or instructor which desires to sponsor education to licensees in compliance with the continuing education requirements of OAC 158:60-5-4 shall file an application for approval on the form prescribed by the Committee, or its designee at least fifteen (15) days prior to the date of the Regular meeting of the Committee from which the organization wants the course to be considered for approval, and at least thirty (30) days prior to the date for which the course is scheduled. The application shall include a list of the course instructors and their qualifications, an agenda detailing the material to be presented, the location of the training, the program objectives, and the number of credit hours of classroom and supervised instruction. Licensees shall not receive continuing education credit for attending classes that are not approved by the Committee. Within seven (7) days of the completion of the course, the provider or instructor shall submit the original sign-in sheets for all sessions to the Inspector Examiners Unit of the

Construction Industries Board. The sign-in sheets shall include the signature and state inspector license number of each person in attendance. The provider or instructor shall verify the total number of continuing education hours completed by each attendee. All programs shall be presented as submitted and approved, including lunch and breaks shown on the approved agenda, unless changes have been approved. Changes to the program shall be submitted to the Committee, or its designee, within ten (10) days of the training session for review by the Committee. Failure to obtain approval of changes may result in loss of CEU approval.

(c) **Standards for continuing education.** The following standards will govern the approval of continuing education programs by the Inspector Examiners Committee:

- (1) The program provider shall submit evidence that the provider and instructional staff are qualified by reason of education, experience or training.
- (2) All material and information presented shall pertain to the discipline in which the person is licensed.
- (3) All courses must be of at least two (2) credit hours in length.
- (4) The training location must be outside the regular work place or after hours.
- (5) Correspondence or online course approval standards:
 - (A) Providers or instructors seeking to offer correspondence courses for continuing education shall submit a course curriculum and study material for review and approval by the Committee prior to the courses being offered as continuing education. An access code and password shall be provided to the Committee, or its designee, for an online course for the purpose of review and approval. Approved correspondence courses shall be required to comply with all requirements for other continuing education courses except for sign-in sheets. Providers shall provide a student with a document of completion which certifies completion of approved correspondence courses.
 - (B) Only licensees meeting one or more of the following requirements may receive CEU credit for taking a correspondence or online course;
 - (i) Any licensee residing outside of Oklahoma,
 - (ii) Any licensee that has an expired license which requires a continuing education course that is no longer available in the classroom,
 - (iii) Any licensee who is currently incarcerated, or
 - (iv) Any licensee who submits written proof to the Committee from a physician stating the medical reason that the licensee is unable to attend a continuing education class.
 - (C) Applications for correspondence or online courses shall be resubmitted annually, from date of approval, for review and approval.
- (6) Along with a course application, a video presentation may be submitted for course material and instructor approval by the Committee if the video presentation is closely related to the subject matter of the course and meets the following:
 - (A) All video presentations must be submitted in electronic format at least thirty (30) days in advance of the Committee meeting reviewing the course application, except for manufacturer's videos generally accepted in the industry covering accepted industry practices or standards. If the electronic format does not allow forwarding by email, then seven (7) copies of a portable storage format are required.
 - (B) Video segments shall be no more than thirty (30) minutes, followed by a discussion and no more than fifty percent (50%) of the total course time.

(C) The required copies of each individual video presentation training segment must be submitted with the CEU class approval request for review and approval by the Committee of the course material and instructor. However, if the video is a manufacturer's video, the Committee is not required to approve of the instructor in the video as long as the video course material and video presentation is approved by the Committee.

(D) An approved instructor will be present during the viewing of any video and will monitor the class for questions. Prior to any video presentation, class participants shall be instructed to raise their hand if they have a question or comment during the video presentation. When a class participant has a question or comment during the video presentation, the instructor must be able to stop or pause the video to accommodate live interactive discussion.

(E) Audio and video equipment shall be arranged in advance or otherwise provided to assure that class participants are able to see and hear all portions of any video presentation. In the case of audio or video failure, the time of the video presentation may be presented by the approved instructor over subject matter previously approved for that instructor.

(d) **Course Advertisement.**

(1) All advertising must include the course ID number.

(2) The provider of an approved continuing education program may announce or indicate as follows: Course # _____ has been approved by the Construction Industries Board Inspector Examiners Committee for _____ hours of CE credit.

~~(d)~~(e) **Approval Limitations**

(1) The Committee's designee may approve additional course dates and locations after the course has been approved by Committee vote. Substantive change to course content must be brought before the Committee.

(2) Approval of all courses, including correspondence and online courses, is rescinded upon the adoption of a different statewide code by OUBCC, and a new application showing updates of new code is necessary.

~~(e)~~(f) **Complaint procedure:**

(1) A person, government, or private organization may submit a written complaint to the Committee, or its designee, charging a provider of continuing education with a violation of the rules, and specifying the grounds for the complaint.

(2) Complaints must be in writing and include contact information, and shall be filed on the proper complaint form prescribed by the Construction Industries Board, or its designee.

(3) The Committee may consider an unsigned or anonymous complaint for further investigation.

(4) Upon receipt of a signed complaint form, a copy shall be sent to the continuing education provider addressed in the complaint. The continuing education provider shall provide a written response within fifteen (15) days. Upon receipt of the continuing education provider's written response, both complaint and response shall be considered by the Committee, or its designee, for appropriate action including dismissal of the complaint, further investigation, or a finding of violation of a statute or rule. The Committee, or its designee, shall notify both complainant and continuing education provider of the determination made by the Committee. Failure of the continuing education provider to respond will be considered as a violation of this rule.

(5) If a reasonable cause violation determination is made by the Committee, the Oklahoma Administrative Procedure Act shall be followed for all disciplinary proceedings undertaken including but not limited to all parts of this subsection.

NOTICE OF RULEMAKING INTENT

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 60. INSPECTORS REGULATIONS**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Categories and Classifications of Inspector Licenses, Qualifications For Inspector Licensure, License Requirements For Inspectors, Fees, Certification and Continuing Education For Inspectors, and Continuing Education Courses

158:60-5-3 [AMENDED]

158:60-5-5 [AMENDED]

SUMMARY:

The proposed amendments to 158:60-5-3 clarify the requirements for an unlimited inspector license. The proposed amendments to 158:60-5-5 amend the deadline for submission of applications for continuing education course approval; clarify that continuing education programs have to be conducted substantially as shown on the agenda approved by the Inspector Examiners Committee ("the Committee"); require that an access code and password be provided to the Committee for an online course for the purpose of review and approval; requires that applications for correspondence or online courses be resubmitted annually from date of approval for review and approval; establish requirements for advertisement of continuing education courses; and, clarify that approval of all types of continuing education courses is rescinded upon the adoption of a different statewide code by the OUBCC.

AUTHORITY:

Construction Industries Board: 59 O.S. §§ 1000.4 and 1032.

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 Constructions 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.