

OKLAHOMA STATUTES
TITLE 59. PROFESSIONS AND OCCUPATIONS

OKLAHOMA INSPECTORS ACT

Section 1031. Short title

Sections 1031 through 1044 of this title shall be known and may be cited as the "Oklahoma Inspectors Act".

Historical Data: Added by Laws 1989, HB 1250, c. 215, § 1, eff. November 1, 1989; Amended by Laws 2001, SB 354, c. 394, § 26, eff. January 1, 2002.

Section 1032. Rules—Promulgation by Construction Industries Board

The Construction Industries Board shall promulgate rules governing the examination and licensing of building, electrical, mechanical, plumbing, and other construction inspectors and the establishment of classifications for such inspectors. The Board may adopt as part of such rules any or all nationally recognized inspector certification programs or codes for purposes of building and construction inspector licensing. The rules adopted by the Board shall provide requirements for continuing education for building and construction inspectors.

Historical Data: Added by Laws 1989, HB 1250, c. 215, § 2, eff. November 1, 1989; Amended by Laws 2001, SB 354, c. 394, § 27, eff. January 1, 2002.

Section 1033. Definitions

As used in the Oklahoma Inspectors Act:

1. "Board" means the Construction Industries Board;
2. "Committee" means the Oklahoma Inspector Examiners Committee;
3. "Building and construction inspection" means the inspection of plumbing, electrical, mechanical or structural aspects of building and construction, for the purpose of enforcing compliance with the applicable building codes or standards;
4. "Building and construction inspector" means any person actively engaged in the inspection of any phase of building and construction for the purpose of enforcing compliance with the applicable building codes or standards and includes, but is not limited to, plumbing inspectors, electrical inspectors, mechanical inspectors and structural inspectors; and
5. "Circuit rider inspector" means a person who acts as a building and construction inspector for two or more municipalities or other political subdivisions and is certified and licensed pursuant to the Oklahoma Inspectors Act.

Historical Data: Added by Laws 1989, HB 1250, c. 215, § 3, eff. November 1, 1989; Amended by Laws 2001, SB 354, c. 394, § 28, eff. January 1, 2002.

Section 1034. Oklahoma Inspector Examiners Committee—Members—Appointment—Qualifications—Travel expenses

There is hereby created the Oklahoma Inspector Examiners Committee which shall consist of seven (7) members. One member shall be the designee of the Construction Industries Board. When the terms of the other members serving on the Committee expire or are vacated, members shall be appointed by the Board, which may also remove any appointed member for cause. Appointed members shall hold office for terms of four (4) years or until their successors are appointed.

Four appointed members shall be residents of this state and each shall have had at least five (5) years of practical experience as a building and construction inspector in the respective field of the inspector. Of these appointees, one member each shall be appointed from the plumbing, electrical, mechanical and structural professions. One appointed member shall be a municipal officer as defined in Section 1-102 of Title 11 of the Oklahoma Statutes, and one appointed member shall be a lay person.

Each member shall serve without pay but shall be reimbursed for his actual expenses in accordance with the State Travel Reimbursement Act.

Historical Data: Added by Laws 1989, HB 1250, c. 215, § 4, eff. November 1, 1989; Amended by Laws 2001, SB 354, c. 394, § 29, eff. January 1, 2002.

Section 1035. Oklahoma Inspector Examiners Committee—Powers and duties

The Oklahoma Inspector Examiners Committee shall have the power and duty:

1. To assist the Construction Industries Board in certifying, licensing and otherwise regulating persons employed as building and construction inspectors;
2. To assist the Board in establishing and administering examinations to applicants for an Oklahoma inspector's license;
3. To assist the Board in prescribing and adopting forms for certification and licensure applications;
4. To assist the Board by making recommendations concerning rules which establish standards of performance for building and construction inspectors;
5. To assist the Board in determining whether certification by a national certification program or licensing by another governmental entity should be approved as a substitute for a successful completion of the Oklahoma Inspector's Examination;
6. To investigate alleged violations of the provisions of the Oklahoma Inspectors Act and of any rules promulgated pursuant thereto; and

7. To have such other powers and duties as are necessary to implement the Oklahoma Inspectors Act.

Historical Data: Added by Laws 1989, HB 1250, c. 215, § 5, eff. November 1, 1989; Amended by Laws 2001, SB 354, c. 394, § 30, eff. January 1, 2002.

Section 1036. Application for certification and license—Requirements—Provisional license—Examination—Nontransferability

A. Applicants for certification and license shall:

1. Show proof of certification or licensing by a program or governmental entity approved by the Construction Industries Board; or
2. Have been certified by the Committee as having passed the examination.

The Board shall issue a license to any person who has met the requirements of paragraph 1 or 2 of this subsection and who has paid the fees required by the Oklahoma Inspectors Act and has otherwise complied with the applicable requirements of the Oklahoma Inspectors Act. Provided, the Board may issue a provisional license limited to two (2) years to enable an applicant to meet the certification requirements of this subsection.

B. Examinations shall be uniform and shall be practical in nature but shall be sufficiently strict to test the qualifications and fitness of the applicant as a building and construction inspector. The examination shall be in whole or in part in writing. Examination dates shall be set by the Committee. Any applicant failing to pass the examination shall not be permitted to take another examination for a period of thirty (30) days, and thereafter any such applicants subsequently failing to pass the examination shall not be permitted to take a subsequent examination for a period of ninety (90) days.

C. All licenses shall be nontransferable and it shall be unlawful for any holder of a license issued pursuant to the Oklahoma Inspectors Act to loan or allow the use of such license by any other person, firm or corporation.

Historical Data: Added by Laws 1989, HB 1250, c. 215, § 6, eff. November 1, 1989; Amended by Laws 1995, c. 9, § 2, eff. November 1, 1995; Amended by Laws 2001, SB 354, c. 394, § 32, eff. January 1, 2002.

Section 1037. Application forms—Fee—Renewal

Application for examination, certification, or license or renewal of license shall be made to the Construction Industries Board in writing on forms furnished by the Board and each application shall be accompanied by a fee to be established by rule by the Board pursuant to Section 1000.5 of this title. Applicants for renewal may also be required to submit proof of compliance with continuing education requirements established by the Board.

Historical Data: Added by Laws 1989, HB 1250, c. 215, § 7, eff. November 1, 1989; Amended by Laws 2001, SB 354, c. 394, § 32, eff. January 1, 2002; Amended by Laws 2002, SB 1432, c. 457, § 5, emerg. eff. July 1, 2002.

Section 1038. License—Expiration—Late renewal—Fee—Exemption for military service

A. Until June 30, 2004, no license shall be issued for longer than one (1) year and all licenses shall expire on June 30 of each year. Beginning July 1, 2004, all licenses shall expire on the birth date of the licensee. The Construction Industries Board shall establish by rule a method for prorating license fees to coincide with the birth date of the licensee.

B. An application for the renewal of a license which is received more than thirty (30) days following the date of expiration and which is accompanied by a fee established pursuant to Section 1000.5 of this title, and proof of current continuing education requirements, may be accepted and the license reissued without examination.

C. The fee for late renewal and the continuing education requirements shall not be required of any holder of a license which expires while such holder is in military service, if application for renewal is made within one (1) year following the service discharge of such person.

Historical Data: Added by Laws 1989, HB 1250, c. 215, § 8, eff. November 1, 1989; Amended by Laws 2003, SB 545, c. 318, § 10, eff. November 1, 2003.

Section 1039. Complaints—Investigation—Individual proceeding—Finding—Suspension or revocation of license—Other administrative penalties—Reapplication for license

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 building and construction inspector.

B. The Committee may request that an individual proceeding be conducted to determine whether the licensee has:

1. Made a material misstatement in the application for license or renewal thereof;
2. Loaned or illegally used the license of the licensee;
3. Demonstrated incompetency to act as a building and construction inspector; or
4. Violated any provision of the Oklahoma Inspectors Act, or any rule promulgated or order issued pursuant to the Oklahoma Inspectors Act.

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

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

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

Historical Data: Added by Laws 1989, HB 1250, c. 215, § 9, eff. November 1, 1989; Amended by Laws 2001, SB 354, c. 394, § 33, eff. January 1, 2002.

Section 1040. Acting as or performing work of building and construction inspector without a license—Violation—Effective date

Beginning February 1, 1990, it shall be unlawful for any person to act as or perform the work of a building and construction inspector unless such person is qualified and licensed as a building and construction inspector pursuant to the Oklahoma Inspectors Act.

Historical Data: Added by Laws 1989, HB 1250, c. 215, § 10, eff. November 1, 1989.

Section 1041. Employment of inspectors by municipality or other governmental entity—Notification of Commissioner—Exemption of municipalities under 10,000

Any municipality or other governmental entity which employs any person as a building and construction inspector for functions normally performed by a building and construction inspector shall notify the Construction Industries Board of the employment.

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

Historical Data: Added by Laws 1989, HB 1250, c. 215, § 11, eff. November 1, 1989; Amended by Laws 2001, SB 354, c. 394, § 34, eff. January 1, 2002.

Section 1042. Oklahoma Inspectors Revolving Fund

There is hereby created in the State Treasury a revolving fund for the Construction Industries Board, to be designated the "Oklahoma Inspectors Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Board from fees and fines collected pursuant to the Oklahoma Inspectors Act. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Construction Industries Board for the purpose of implementing the provisions of the Oklahoma Inspectors Act for the continuing education of building and construction inspectors, and for implementing programs designed to further the efficiency of the building and construction inspector profession and public understanding of the profession. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Historical Data: Laws 1989, HB 1250, c. 215, § 12, eff. November 1, 1989; Amended by Laws 2001, SB 354, c. 394, § 35, eff. January 1, 2002); Amended by Laws 2004, SB 1211, c. 163, § 5, emerg. eff. April 26, 2004; Amended by Laws 2012, HB 3079, c. 304, § 275.

Section 1043. Nonapplicability to unincorporated areas of state

This act shall not apply to unincorporated areas of this state.

Historical Data: Added by Laws 1989, HB 1250, c. 215, § 13, eff. November 1, 1989.

Section 1044. Violations—Penalties

Any person convicted of acting or performing as a building and construction inspector without the proper license shall be guilty of a misdemeanor and shall be punished by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00), together with the costs of prosecution. Each day of violation shall constitute a separate offense.

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

Historical Data: Added by Laws 1989, HB 1250, c. 215, § 14, eff. November 1, 1989; Amended by Laws 2001, SB 354, c. 394, § 36, eff. January 1, 2002.

Section 1045. Access to premises to be granted—Violation

Any building and construction inspector licensed pursuant to Sections 1031 through 1044 of this title, shall be granted access within a reasonable period of time to perform an inspection for the purpose of enforcing compliance with the Oklahoma Inspectors Act. Pursuant to its authority under Section 1000.4 of Title 59 of the Oklahoma Statutes, the Construction Industries Board may initiate disciplinary proceedings, request prosecution of and initiate injunctive proceedings against any person who violates this provision.

Historical Data: Added by Laws 2002, SB 1432, c. 457, § 6, emerg. eff. July 1, 2002.