

## RULE IMPACT STATEMENT

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

1. **BRIEF DESCRIPTION OF PURPOSE OF PROPOSED RULE:** The amendments to 158:60-1-2 are to provide clarity in definitions due to statutory changes; the amendments to 158:60-3-1 are not substantive and are for cleanup purposes only; the amendments to 158:60-3-2 add language to clarify the complaint process; the amendments to 158:60-5-1 and 158:60-5-2 are as a result of legislative changes and are made to implement the provisions of SB 733; the amendments to 158:60-5-2.1 are due to legislation (SB 670) which provides a fee waiver for active duty military and their spouses; the amendments to 158:60-5-3 and 158:60-5-3.1 are due to a legislative change as a result of SB 733 along with clean up; the amendments to 158:60-5-4 are due to legislative changes (HB 2933) which provides a one-time low income fee waiver; amendments to 158:60-5-5 are for clean up only and not substantive; the amendments to 158:60-9-3 are also legislative changes as a result of SB 733.
2. **DESCRIPTION OF THE CLASSES OF PERSONS AFFECTED:** The agency, municipalities, members of industry and the public who are involved in or wish to be involved in the building and construction 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, municipalities, members of industry and the public who are involved in or wish to be involved in the building and construction 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:** Having clear and unambiguous rules should have a positive economic impact in that it should help to keep an individual from unknowingly committing a violation that could result in a fine or penalty. No fees are established only fee waivers provided in certain circumstances by the proposed rules, thus having a positive economic impact on the classes of person affected.
5. **COSTS AND BENEFITS TO THE AGENCY:** Although there could be a loss of revenue received by the agency associated with SB 670 and HB 2933, the proposed amendments create a minimal initial cost for software changes to account for licenses issued without the associated fee. 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:** Any 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 and inspections to ensure that construction is being performed in accordance with building codes adopted by the Uniform Building Code Commission helps to protect the health, safety and welfare of the public.
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 18, 2019.

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

**SUBCHAPTER 1. GENERAL PROVISIONS**

**158:60-1-2. Definitions**

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"**Act**" means the Oklahoma Inspectors Act as found at 59 O.S. § 1031, *et seq.*

"**Administrator**" means the Administrator of the Board as described in the Construction Industries Board Act found at 59 O.S. § 1000.1, *et seq.*

"**Authorized Provideragent**" means one who is not a governmental employee but an independent contractor who, ~~through contract,~~ is ~~designated~~ recognized by a ~~political subdivision~~ Political Subdivision that issues building permits and who meets the requirements under the Oklahoma Inspectors Act and rules promulgated on the requirements of such licensure.

"**Board**" means the Construction Industries Board.

"**Building and ~~construction inspection~~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.

"**Building and ~~construction inspector~~Construction Inspector**" means any person actively engaged in the inspection of any phase of building and construction ~~by the political subdivision having managerial and superintending control over building codes as the code official~~ for the purpose of enforcing and having the authority to enforce compliance with the applicable building codes or standards and includes, but is not limited to, plumbing inspectors, electrical inspectors, mechanical inspectors and structural building inspectors.

"**Building officialOfficial**" means the licensed employee code official having the duty to administer and the authority to enforce building codes in the ~~political subdivision~~ Political Subdivision.

"**Certification**" means successful passage of an examination by a Committee-approved national certification program in a license category pursuant to the Oklahoma Inspectors Act.

"**Category**" means one of the following areas of inspector licensure: electrical, mechanical, plumbing, building, or energy.

"**Circuit  ~~rider inspector~~Rider Inspector**" means a person who acts as a ~~building~~ Building and ~~construction inspector~~ Construction Inspector for two or more municipalities or other political subdivisions and is certified and licensed pursuant to the Oklahoma Inspectors Act.

"**Classification**" means ~~unlimited~~ Unlimited or ~~residential~~ Residential, ~~circuit rider~~ Circuit Rider, ~~provisional~~ Provisional, or ~~authorized agent~~ Authorized Provider in a license Category. Only ~~unlimited~~ Unlimited and ~~residential~~ Residential classification may be renewed inactive.

"**C.E.U.**" or "**CEU**" means a continuing education unit that is either one (1) credit hour of Committee approved instruction or its equivalent as determined by the Committee.

"**Committee**" means the Oklahoma Inspector Examiners Committee.

"**Credit Hour**" means fifty (50) minutes, or more, of instruction with a ten (10) minute break.

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**"Designated ~~code official~~ Code Official"** means an employee of a Political Subdivision with a population over 10,000 who is licensed, who approves the Report Writer or reviews and accepts the Report Writer's report in the same category as the official is licensed.

**"Direction and Control"** means when the licensed ~~authorized~~ Authorized Provider agent is ~~solely and exclusively~~ responsible to the ~~recognizing political subdivision~~ Political Subdivision ~~through contract~~ when performing building and construction inspections as an independent contractor separate and free from any influence or control on an inspection by any entity or business that performs industrial, commercial, or residential construction within the ~~political subdivision~~ Political Subdivision where the ~~authorized agent~~ Authorized Provider is providing inspection services.

**"Inactive ~~building~~ Building and ~~construction inspector~~ Construction Inspector"** means a previously licensed ~~building~~ Building and ~~construction inspector~~ Construction Inspector, having successfully passed an examination by a Committee-approved national certification program, ~~who is currently not employed by a political subdivision and therefore~~ does not meet all requirements of the Oklahoma Inspectors Act to perform building and construction inspections pursuant to the Oklahoma Inspectors Act until all requirements are met.

**"OUBCC"** means the Oklahoma Uniform Building Code Commission.

**"Political Subdivision"** means a municipality, city, town, village, county, or public trust where a city or town is a beneficiary.

**"Provisional ~~license~~ License"** means a license issued to a ~~building~~ Building and ~~construction inspector~~ Construction Inspector who is an employee of a ~~political subdivision~~ Political Subdivision on a provisional basis and limited to a maximum of ~~two (2)~~ one (1) year in each license category for the purpose of enabling an applicant to meet the certification requirements.

**"Recognized"** means when a Political Subdivision, having managerial and superintending control over building codes, determines for the Political Subdivision that a licensee is qualified to perform inspections within the Political Subdivision, is aware the licensee is free of direction and control of any person, entity or performing or designing contractor requesting the inspection, and can notify the Construction Industries Board of the same upon request.

**"Regular ~~work place~~ Work Place"** means the immediate individual office including desk, chair, computer and office telephone wherein the inspector is expected to be reached and to conduct day-to-day office business.

**"Report Writer"** means any person ~~or agency designated~~ recognized by a ~~political subdivision~~ Political Subdivision having managerial and superintending control over building codes as a report writer for purposes of furnishing report-writing services on behalf of the ~~building official~~ Building Official. This person must be approved by the ~~building official~~ Building Official or designated code official, provided he or she has no conflict of interest and satisfies the requirements of the ~~political subdivision~~ Political Subdivision as to qualifications, ethical standards and reliability in the process and services. The individual's furnished written reports shall be provided and acceptable to the ~~building official~~ Building Official, designated code official or ~~political subdivision~~ Political Subdivision for final code evaluation. A report writer must be an employee of the ~~political subdivision~~ Political Subdivision.

**"Residential"** means the classification of inspector license which authorizes an individual to conduct electrical, mechanical, plumbing or building inspections of only those

structures designated as use group R3 or R4 in the most current Residential code adopted by the "OUBCC".

"**Unlimited**" means the classification of inspector license which authorizes an individual to conduct electrical, mechanical, plumbing or building inspections of all structures or installations.

### **SUBCHAPTER 3. PROCEDURES OF THE COMMITTEE**

#### **158:60-3-1. Procedures of the Committee**

(a) The Committee shall serve the Construction Industries Board in an advisory capacity, assist and advise on all matters pertaining to the formation of rules pursuant to the Act, and assist and advised the Administrator, as needed, on the national certification and examination, by contract or otherwise, and licensing of applicants for ~~building~~Building and ~~construction inspector~~Construction Inspector license, and shall act as advisor on all matters related to the licensing of building and construction inspectors, in accordance with these rules and the Act.

(b) Committee meetings will be held in the principal offices of the Construction Industries Board referenced at OAC 158:1-3-1, unless posted otherwise according to the Open Meeting Act. The Committee shall meet as often as is necessary, but at least once each quarter when applications are pending.

(c) The public may communicate with the Committee, in person or by mail, through the Oklahoma Construction Industries Board.

(d) Application for licensure shall be done by submitting an application to the Construction Industries Board on a form provided by the Board.

#### **158:60-3-2. Hearings and Complaints**

(a) The Committee may, upon its own motion or upon receipt of written complaint about a licensee or ~~political subdivision~~Political Subdivision, request an investigation be conducted regarding an alleged violation of the Oklahoma Inspectors Act or the related administrative rules. All Inspector investigations must be approved by the Committee. Complaints must:

1. Be in writing;
2. Provide adequate information, including but not limited to, the date when the alleged violation occurred, facts surrounding the event, name of the person(s) and/or ~~political subdivision~~Political Subdivision being complained against; and
3. Provide any documented evidence to substantiate the complaint.

(b) Complaints on Authorized Providers may be made by a Political Subdivision as they will be recognizing any Authorized Provider's licensures for their jurisdiction.

(c) Any complaint on a person acting or performing as a Building and Construction Inspector without the proper license can be forwarded to the appropriate district attorney for prosecution.

(d) Any complaint toward an 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 following an investigation and hearing on the matter.

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~~(b)~~(e) Upon completion of an investigation by the Committee's designee, the results of the investigation will be presented to the Committee for them to determine if an individual proceeding is to be conducted. If the Committee approves a matter to be set for individual proceeding, the CIB Administrator will contact a hearing examiner to conduct the individual proceeding according to the Procedures of the Construction Industries Board's administrative rules in Title 158, Ch. 1.

~~(e)~~(f) Notice of an individual proceeding will be served upon an individual licensee or for political subdivisions the mayor, city manager or city attorney according to the Procedures of the Construction Industries Board's administrative rules in Title 158, Ch. 1.

~~(d)~~(g) Pursuant to the Construction Industries Board Act, the Oklahoma Inspectors Act, and Administrative Rules hearings shall occur as often as is necessary to enforce the requirements of the Inspectors Act and this Chapter. Hearings shall be conducted by an administrative hearing examiner who will render a proposed order on any fine, penalty or fee which will then be submitted to the Construction Industries Board to become a final order.

~~(e)~~(h) After a proposed order by the impartial hearing examiner finding whether a violation occurred pursuant to the Oklahoma Inspectors Act with a recommendation of action as provided by the Oklahoma Inspectors Act, Construction Industries Board Act and/or the administrative rules is completed, it will be provided to the Administrator and then submitted to the Construction Industries Board pursuant to the Procedures of the Construction Industries Board administrative rules in Title 158, Ch. 1.

### **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**

#### **158:60-5-1. Categories and classifications of inspector licenses**

Licenses shall be issued for the following categories and classifications:

- (1) Category of Electrical inspector:
  - (A) Unlimited classification.
  - (B) Residential classification.
  - (C) Inactive Unlimited classification.
  - (D) Inactive Residential classification.
  - (E) Circuit Rider Unlimited classification.
  - (F) Circuit Rider Residential classification.
  - (G) ~~Two year~~One year Provisional Unlimited classification.
  - (H) ~~Two year~~One year Provisional Residential classification.
  - (I) Authorized ~~Agent~~Provider classification (Unlimited only).
- (2) Category of Mechanical inspector:
  - (A) Unlimited classification.
  - (B) Residential classification.
  - (C) Inactive Unlimited classification.
  - (D) Inactive Residential classification.

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- (E) Circuit Rider Unlimited classification.
  - (F) Circuit Rider Residential classification.
  - (G) ~~Two-year~~One year Provisional Unlimited classification.
  - (H) ~~Two-year~~One year Provisional Residential classification.
  - (I) Authorized ~~Agent~~Provider classification (Unlimited only).
- (3) Category of Plumbing inspector:
- (A) Unlimited classification.
  - (B) Residential classification.
  - (C) Inactive Unlimited classification.
  - (D) Inactive Residential classification.
  - (E) Circuit Rider Unlimited classification.
  - (F) Circuit Rider Residential classification.
  - (G) ~~Two-year~~One year Provisional Unlimited classification.
  - (H) ~~Two-year~~One year Provisional Residential classification.
  - (I) Authorized ~~Agent~~Provider classification (Unlimited only).
- (4) Category of Building inspector:
- (A) Unlimited classification.
  - (B) Residential classification.
  - (C) Inactive Unlimited classification.
  - (D) Inactive Residential classification.
  - (E) Circuit Rider Unlimited classification.
  - (F) Circuit Rider Residential classification.
  - (G) ~~Two-year~~One year Provisional Unlimited classification.
  - (H) ~~Two-year~~One year Provisional Residential classification.
  - (I) Authorized ~~Agent~~Provider classification (Unlimited only).
- (5) Category of Energy Code Inspector:
- (A) Unlimited classification.
  - (B) Residential classification.
  - (C) Inactive Unlimited classification.
  - (D) Inactive Residential classification.
  - (E) Circuit Rider Unlimited classification.
  - (F) Circuit Rider Residential classification.
  - (G) ~~Two-year~~One year Provisional Unlimited classification.
  - (H) ~~Two-year~~One year Provisional Residential classification.
  - (I) Authorized ~~Agent~~Provider classification (Unlimited only).

**158:60-5-2. Qualifications for inspector licensure**

- (a) Initial application must be made on the form provided by the Administrator and the licensure must be approved recognized by the employing Political Subdivision.
- (b) The proper fees must accompany any application, including the late fee if application for renewal is made after expiration of the initial license.
- (c) Be employed by a Political Subdivision with a population over 10,000 unless acting as a circuit rider or Authorized Provider then the person must be licensed regardless of Political Subdivision population size.

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(d) The applicant must submit, as soon as is practicable after application for initial license is made, proof of certification by successful completion of a national examination approved by the Committee.

(e) ~~Other than two-year provisional license, no~~ No license shall be issued for longer than one (1) year and all licenses shall expire on the end of the birth-date month of the licensee.

(f) Before an application for license renewal can be approved, the Board must receive proof of completion of the required C.E.U.'s.

~~(g) If a licensed Building and Construction Inspector is not employed at the time of renewal, the license may be renewed if the applicant is otherwise compliant with the requirements of the Oklahoma Inspectors Act, including meeting continuing education requirements; however, the renewal application must reflect the change in employment along with a request to renew as inactive status. An inactive license status may be changed to active status upon notification of employment to the Construction Industries Board.~~

~~(h)~~(g) OAC 158:60-5-4 sets forth the licensing qualifications for the license categories and classifications provided in OAC 158:60-5-1. Additional certifications or exams may be recognized by approval of the Committee and the Construction Industries Board on a case by case basis. However, no person shall be required to meet the continuing education requirements for the licensing year the certification requirements of subsection (d) of this Section are met.

~~(i)~~(h) A provisional license is issued to allow a person to work as an inspector even though all the license requirements have not been met. This provisional license will provide the licensee with adequate time and motivation to become educated and meet all licensure requirements within ~~two (2) years~~ one (1) year after being issued the provisional license. No person shall be issued more than one provisional license in any license category. At the end of the ~~two (2) years~~ one (1) year, the provisional license for the specified category and classification will expire. To continue performing inspections in the same category and classification as the expired provisional license an individual must meet the certification requirements to be a licensed inspector. A person cannot renew a provisional license in the category and classification previously held, but may obtain a provisional license in a different classification or category to perform work in that classification and category. The fee for the provisional license shall be \$35.00.

### **158:60-5-2.1. Acceptance of Military education, training and experience toward qualification for licensure examination**

(a) **Licensure – post-military service.** See OAC 158:1-3-10 for provisions related to the application of substantially equivalent licensure, education, training, and experience completed as a member of the Armed Forces or Reserves of the United States, National Guard of any jurisdiction, the Military Reserves of any jurisdiction, or the Naval Militias of any jurisdiction toward satisfying the qualifications for examination and license issuance.

(b) **Military spouse applicant—equivalency.** See OAC 158:1-3-10 for provisions related to issuance of ~~an equivalent~~ a license in an equivalent category for the spouse of an active-duty member of the Armed Forces or Reserves of the United States.

### **158:60-5-2.2. Expediting issuances of license to military spouse**



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See OAC 158:1-3-11 for provisions related the Board expediting the issuance of a license for spouses of certain members of the Armed Forces on active duty in this state.

### **158:60-5-2.3. Renewals for licensee - post-military service**

See OAC 158:1-3-12 for provisions related to license renewal while a licensee holder is a member of the Armed Forces of the United States on active duty, and for provisions related to a licensee whose license expires while on active duty as a member of the National Guard or reserve component of the Armed Forces.

### **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) All licensees shall, in addition to any local procedures or requirements, notify the Administrator as to persons suspected of performing building, electrical, mechanical, plumbing, or roofing work within their jurisdiction who are not properly licensed or registered by the State. All licensees performing building and construction inspections 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 classification and category in which he or she is not licensed.
- (f) To receive an unlimited inspector license in a given category, one must take and pass both the residential certification examination and the commercial certification examination for that category.
- (g) Any person conducting inspections as an Inspector or Building Official is required to be licensed if working for a Political Subdivision of over ten thousand. An Authorized ~~Provider~~Agent conducting inspections for a Political Subdivision regardless of the population must be licensed by passing both residential and commercial exams.
- (h) No license is currently required for a Report Writer whose report is subject to review and accepted by one of the following licensees: Inspector, designated code official, or Building Official of the Political Subdivision.
- (i) 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.

#### **158:60-5-3.1. Authorized agents Provider**

- (a) To obtain an ~~authorized agent~~ Authorized Provider inspector license, the applicant shall:
  - (1) ~~Be engaged in an independently established business approved, recognized individually, accepted and designated by a political subdivision~~Political Subdivision, meet as meeting all requirements for a state inspector's license in the category of the

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inspections being performed, unlimited classification, and make any recognizing political subdivisions aware he or she is ~~be~~ free of direction and control of any contractor, person, or entity who is requesting the inspection;

(2) Pass in the chosen category the unlimited inspector classification examinations (residential and commercial) approved by the Oklahoma Inspector Examiners Committee and complete all other requirements in the Oklahoma Inspectors Act and rules for each category sought; and

(3) Complete an ~~authorized agent~~ Authorized Provider inspector license application for the examination, license or renewal of license. The application shall be completed in writing on forms furnished by the Construction Industries Board. Each application shall be accompanied by a fee and proof of continuing education for renewals as required in the Oklahoma Inspectors Act and rules. Every applicant shall provide to the Construction Industries Board, on new and renewal applications, a completed application form and verify to the Construction Industries Board upon request that applicant is recognized ~~notarized certification~~ by a political subdivision's city or county manager, clerk or director of inspections department that the applicant will be performing as an ~~authorized agent~~ Authorized Provider of that ~~political subdivision~~ Political Subdivision.

(b) It shall be unlawful for any person to act as or perform the work of an ~~authorized agent~~ Authorized Provider inspector unless such person is qualified and licensed pursuant to the Oklahoma Inspectors Act and regardless of the size of the Political Subdivision. An ~~authorized agent~~ Authorized Provider inspector license does not authorize an individual to issue permits.

(c) ~~Authorized agent~~ Provider inspectors licensed by the state are deemed to be acting as independent contractors and not as officers, employees or agents of the state. The state assumes no liability for the actions or omissions of licensed ~~authorized agents~~ Authorized Providers.

(d) ~~Authorized agents~~ Providers shall:

(1) In addition to complying with the provisions of the Oklahoma Inspectors Act, provide proof of insurance coverage of up to One Million Dollars (\$1,000,000.00) in professional liability insurance, in addition to One Million Dollars (\$1,000,000.00) in errors and omissions insurance as set by rule. Proof of valid and current insurance coverage must be provided upon application for registration and renewal of registration in the form of an insurance certificate listing the State of Oklahoma as the certificate holder. Further, proof of compliance with the workers' compensation laws of Oklahoma or exemption is required. Lapse of insurance shall result in the change of license status to inactive;

(2) Not be under the direction and control of any entity that performs industrial, commercial or residential construction within the ~~political subdivision~~ Political Subdivision in which they would provide services;

(3) Not be under the direction and control of any entity that designs industrial, commercial or residential projects within the ~~political subdivision~~ Political Subdivision in which they would provide services;

(4) Provide written reports acceptable to the ~~political subdivision~~ Political Subdivision according to the ~~political subdivision~~ Political Subdivision requirements;

(5) Not be prohibited in this act from providing other plan review and inspection services for jurisdictions that pertain to infrastructure projects, utilities projects or other services not regulated by the Oklahoma Inspectors Act, except as restricted or limited by the Political Subdivision;

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- (6) Not be allowed to apply for a provisional license as described in Section 1036 of Title 59 of the Oklahoma Statutes; and
  - (7) Provide evidence of being certified for the specific license category for which they are applying and shall only provide services in the area of certification and licensing.
- (e) A Political Subdivision should report to the CIB any instances of an Authorized Provider failing to maintain liability insurance, failing to comply with worker's compensation laws, and if the Authorized Provider is working under the direction and control of an entity to which they are also providing services.

### **158:60-5-4. Fees, certification and continuing education for inspectors**

**(a) Requirements.** The fees for an individual holding more than one inspector license category is capped at the cost for one category thereby the total cost for all license categories is the same total cost as the cost for one license category if application is made at the same time for multiple categories. The same fee structure for the inspector license classifications applies to the Authorized ~~Agent~~ provider and provisional classifications. Fees, certification and continuing education requirements for inspectors are as follows:

- (1) Building inspectors (both unlimited and residential licenses):
  - (A) \$35.00 Fee for initial license and renewal;
  - (B) \$35.00 Late fee, if applicable;
  - (C) Approved Certification; and
  - (D) Completion of six (6) C.E.U.'s for renewal license.
- (2) Electrical inspectors (both unlimited and residential licenses):
  - (A) \$35.00 Fee for initial license and renewal;
  - (B) \$35.00 Late fee, if applicable;
  - (C) Approved Certification; and
  - (D) Completion of six (6) C.E.U.'s for renewal license.
- (3) Mechanical inspectors (both unlimited and residential licenses):
  - (A) \$35.00 Fee for initial license and renewal;
  - (B) \$35.00 Late fee, if applicable;
  - (C) Approved Certification; and
  - (D) Completion of six (6) C.E.U.'s for renewal license.
- (4) Plumbing inspectors (both unlimited and residential licenses):
  - (A) \$35.00 Fee for initial license and renewal;
  - (B) \$35.00 Late fee, if applicable;
  - (C) Approved Certification; and
  - (D) Completion of six (6) C.E.U.'s for renewal license.
- (5) Energy Code inspector (both unlimited and residential licenses):
  - (A) \$35.00 Fee for initial license and renewal;
  - (B) \$35.00 Late fee, if applicable;
  - (C) Approved Certification;
  - (D) Completion of six (6) C.E.U.'s for renewal license.

**(b) One time low-income fee waiver.** See OAC 158:1-3-13(c) regarding eligibility on a one-time, one-year fee waiver.

### **158:60-5-5. Continuing education**

**(a) Continuing education requirements:**

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- (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) Providers of an on-line course shall submit verification of six (6) hours of real time on-line instruction. Correspondence or online courses shall have sufficient explanation and or graphics to expound the concepts being taught. The format of the

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online course shall be constructed so as to elicit interaction between the student and the material presented. Each page of text shall be designed with a question that must be answered before advancing to the next page or a test at the end of a subject matter before the course is considered complete. Providers shall provide a student with a document of completion that shall certify completion of an approved online course.

(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.

(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.

## **DRAFT of Proposed Amendments to Permanent Rules – 2020 Rulemaking**

(3) The Committee or its designee may refuse to accept any application for approval if the supporting documentation is insufficient or incomplete. The Committee may deny or revoke approval of an application for any of the following reasons:

- (A) failure to comply with the continuing education provisions;
- (B) inadequate application or supporting documentation;
- (C) failure to instruct on the topic approved; or
- (D) unsatisfactory evaluations of the course, instructor, or materials from previous classes.

(4) If an application is refused or disapproved, written notice detailing the basis of the decision shall be provided to the applicant.

(5) The Committee may at an time re-evaluate and grant or revoke approval of an application or course.

(A) The Committee or its designee shall be granted access to attend, observe and audit any continuing education course approved by the Committee.

(B) The Committee may at any time review courses for quality in instruction. The Committee shall also investigate and take appropriate action, up to and including revocation of authority to provide CE, regarding complaints involving approved courses.

(C) A provider's failure to comply with this Section constitutes grounds for disciplinary action, up to and including revocation of authority to provide CE, against the provider or for denial of future applications for coursework.

(6) The applicant will be notified in writing by mail whether the program is approved or disapproved.

**(f) Alternate Credit accrual:**

(1) Credit may be earned through teaching in an approved continuing education class in the license category for which the renewal application is submitted. The Committee may award up to six (6) hours of CE credit not to exceed the number of approved hours for that CE class.

(2) Credit may also be earned through teaching an approved course in an accredited vocational school or a ~~building~~Building and construction inspector~~Construction Inspector~~-specific program approved by the Committee. The Committee may award up to six (6) hours of CE credit for each semester of academic credit awarded by the academic institution for the course.

(3) Credit may also be earned through participating as a designate of a technical committee appointed by the OUBCC to review and recommend adoption of building codes. The Committee may award up to six (6) hours of continuing education for completing a code review as designee in the code listed as the standard for the license held and upon completion of the code review receiving a certificate to be provided to CIB to receive continuing education credits.

**(g) 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.

## **SUBCHAPTER 9. DURATION OF LICENSES**

### **158:60-9-3. Duration of licenses**

(a) All licenses, ~~except for a provisional license,~~ shall have a duration of no more than one (1) year, and shall expire on the ~~licensee~~ licensee's last day of his or her birth-day month.

(b) Any license issued, except for a provisional license, may be renewed by submitting the renewal application and the license fee for the next year by check or money order which must be delivered or mailed on or before the expiration date.

(c) A license renewed under the provision of (b) of this Section is effective when notice of such renewal is issued by the Construction Industries Board.

(d) An expired license may be reinstated by submitting the license renewal fee and late fee with the filing of a renewal application and proof of meeting all license renewal requirements.

(e) A licensee who, during an investigation of the licensee by the Construction Industries Board, surrenders their license shall be treated as if the license had been revoked for one (1) year from the day of surrender.

(f) A license cannot be renewed until the licensee has paid any and all outstanding fines due and owing to any division of the Construction Industries Board.

~~(g) To maintain an active inspector license, in addition to complying with the requirements of this Chapter, an inspector must be employed by a political subdivision, otherwise the license status is inactive.~~

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

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. General Provisions

158:60-1-2 [AMENDED]

Subchapter 3. Procedures of the Committee

158:60-3-1 [AMENDED]

158:60-3-2 [AMENDED]

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

158:60-5-1 [AMENDED]

158:60-5-2 [AMENDED]

158:60-5-2.1 [AMENDED]

158:60-5-3 [AMENDED]

158:60-5-3.1 [AMENDED]

158:60-5-4 [AMENDED]

158:60-5-5 [AMENDED]

Subchapter 9. Duration of Licenses

158:60-9-3 [AMENDED]

**SUMMARY:**

The proposed amendments to 158:60-1-2 are for the purpose adding a new definition and changes due to SB733 and format cleaning of other definitions for consistency. The proposed amendments to 158:60-3-1 are formatting cleanup for consistency. The proposed amendments to 158:60-3-2 add language to clarify the complaint process for the benefit of the public. The proposed amendments to 158:60-5-1 change provisional licenses from 2 years to 1 year and the proposed amendments to 158:60-5-2 are as a result of SB733. The proposed amendments to 158:60-5-2.1 are related to SB670 and provide a fee waiver for active duty military and their spouses. The proposed amendments to 158:60-5-3 and 158:60-5-3.1 are as a result of SB733 as well as formatting cleanup. The proposed amendments to 158:60-5-4 include formatting cleanup as well as provides a one-time low income fee waiver as a result of HB2933. The proposed amendments to 158:60-5-5 are related to formatting cleanup. The proposed amendments to 158:60-9-3 are a result of SB733 and HB2088.

**AUTHORITY:**

Construction Industries Board; 59 O.S. §§ 1000.4, 1000.5, and 1032.

**COMMENT PERIOD:**

Written and oral comments will be accepted until 4:30 p.m. on January 17, 2020, at the following address: Construction Industries Board, ATTN: Administrative Rules Division, 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 29, 2020, at the monthly meeting of the Construction Industries Board which will be held in the Construction Industries Board 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. See "Additional Information" section below.

**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 the Administrative Rules Division through the close of the comment period on January 17, 2020, 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](http://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 31, 2019, at the address listed above for obtaining copies of the proposed rules.

**CONTACT PERSON:**

Stephanie Brown, Board Secretary/Executive Assistant, 405-521-6550

**ADDITIONAL INFORMATION:**

If the monthly meeting of the Construction Industries Board scheduled for Wednesday, January 29, 2020, cannot be held due to inclement weather or lack of a quorum, the Public Hearing that would have occurred January 29, 2020, at that monthly meeting of the Construction Industries Board will be held instead at the monthly meeting scheduled for Wednesday, February 12, 2020, at 1:30 p.m., in the Construction Industries Board 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.