

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 building inspectors;
5. "Building official" means the licensed employee code official having the duty to administer and the authority to enforce building codes in the political subdivision;

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

7. "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;

8. "Inactive building and construction inspector" means a previously licensed building and construction inspector, having successfully passed an examination by a Committee-approved national certification program, who 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;

9. "Provisional license" means a license issued to a building and construction inspector who is an employee of a political subdivision on a provisional basis and limited to a maximum of one (1) year in each license category for the purpose of enabling an applicant to meet the certification requirements;

10. "Report writer" means any person recognized by a 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. This person must be approved by the building official or designated code official, provided he or she has no conflict of interest and satisfies the requirements of the 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, designated code official or political subdivision for final code evaluation; and

11. "Authorized provider" means one who is not a governmental employee but an independent contractor who is recognized by a 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.

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; Amended by Laws 2017, HB 1283, c. 346, §1, eff. November 1, 2017; Amended by Laws 2019, HB 2088, c. 60, § 1, eff. November 1, 2019, amended by Laws 2019, SB 733, c. 356 §1, eff. November 1, 2019.

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 show proof of certification by successful completion of an examination approved by the Oklahoma Inspector Examiners Committee.

The Board shall issue a license to any person who has met the requirements 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 one (1) year to enable an applicant to meet the licensing requirements of this subsection while seeking certification by examination.

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 or by the examination provider. 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; Amended by Laws 2017, c. 346, § 2, eff. November 1, 2017; Amended by Laws 2019, SB 733, c. 356, §2, eff. November 1, 2019.

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. No license shall be issued for longer than one (1) year and all licenses shall expire on the last day in the birth month 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; Amended by Laws 2017, HB 1283, c. 346, § 3, eff. November 1, 2017; Amended by Laws 2019, HB 2088, c. 60, § 2, eff. November 1, 2019, amended by Laws 2019, SB 733, c. 356, §3, eff. November 1, 2019.

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 United States Census Bureau 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 or relies on the use of an authorized provider.

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; Amended by Laws 2017, HB 1283, c. 346, § 4, eff. November 1, 2017; Amended by Laws 2019, HB 2088, c. 60, § 3, eff. November 1, 2019, amended by Laws 2019, SB 733, c. 356 §4, eff. November 1, 2019.

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.

Section 1046. Authorized Agent Inspector License – Requirements – Prohibited Acts

A. For purposes of a building and construction inspector performing functions normally performed by a building and construction inspector for a political subdivision pursuant to the Oklahoma Inspectors Act, the Construction Industries Board shall create for one acting as or performing the work of a building and construction inspector a separate classification of inspector license to act as an authorized provider of a political subdivision, and such licensure shall be

governed by the Oklahoma Inspectors Act and rules promulgated on the requirements of such licensure.

B. As used in this section, "authorized provider" means one who is not a governmental employee but an independent contractor who is recognized by a 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. An authorized provider is excluded from the population limitations of Section 1041 of this title and is required to be licensed regardless of the population of the political subdivision.

C. To obtain an authorized provider inspector license, the individual shall:

1. Be recognized by a political subdivision as meeting all requirements for a state inspector's license in the category of the inspections being performed and be free of direction and control of any contractor who is requesting the inspection;

2. Pass the inspector examination 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 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.

D. It shall be unlawful for any person to act as or perform the work of an authorized provider inspector unless such person is qualified and licensed pursuant to the Oklahoma Inspectors Act. An authorized provider inspector license does not authorize an individual to issue permits.

E. Authorized provider inspectors licensed by the state are deemed to be acting as independent contractors and not as officers, employees or agents of the state or any political subdivision. Neither the state nor the political subdivision assumes any liability for the actions or omissions of licensed authorized providers.

F. Authorized 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 for which they would provide services;

3. Not be under the direction and control of any entity that designs industrial, commercial or residential for which they would provide services;

4. Provide written reports acceptable to the political subdivision according to the political subdivision requirements;

5. Not be prohibited in the Oklahoma Inspectors 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;

6. Not be allowed to apply for a provisional license as described in Section 1036 of this title; 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.

G. Beginning November 1, 2019, and until administrative rules concerning authorized provider licensure have been finally adopted pursuant to the Administrative Procedures Act, authorized agent licensure shall be equivalent to authorized provider licensure pursuant to the Oklahoma Inspectors Act, and existing administrative rules set forth in the Oklahoma Administrative Code relating to authorized agent licensure shall remain in effect.

Historical Data: Added by Laws 2017, HB 1283, c. 346, § 5, eff. November 1, 2017; Amended by Laws 2019, SB 733, c. 356, §5, eff. November 1, 2019.