

# Oklahoma Uniform Building Code Commission

As of July 1, 2010

## **Section 1000.20 - Short Title**

Cite as: 59 O.S. § 1000.20 (OSCN 2010), Oklahoma Uniform Building Code Commission Act

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Sections 2 through 11 of this act shall be known and may be cited as the "Oklahoma Uniform Building Code Commission Act".

## **Section 1000.21 - Oklahoma Uniform Building Code Commission - Members**

Cite as: 59 O.S. § 1000.21 (OSCN 2010)

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A. 1. There is hereby created the Oklahoma Uniform Building Code Commission within the Construction Industries Board which shall consist of eleven (11) members, nine of whom shall be appointed by the Governor with the advice and consent of the Senate as follows:

- a. one member who is a general contractor from a statewide organization that represents residential construction,
- b. one member who is a general contractor from a statewide organization that represents commercial construction,
- c. one member who is a contractor from a statewide organization that represents electrical contractors,
- d. one member who is a contractor from a statewide organization that represents plumbing contractors,
- e. one member who is a contractor from a statewide organization that represents heating and cooling contractors,
- f. one member who is a local-level regulator/inspector who is a member of a statewide organization that is exempt from taxation under federal law and designated pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 170(a), who has represented municipalities and had statutory functions for municipalities for at least fifteen (15) years prior to November 1, 2005,
- g. one member who is a Certified Building Official employed by a political subdivision,
- h. one member who is a licensed architect from a statewide organization that represents architects, and
- i. one member who is from the insurance industry with knowledge of building codes and experience in property loss mitigation.

2. Such members shall be appointed for terms of four (4) years; provided, of those members initially appointed to the Commission, three members shall be appointed for one (1) year, beginning July 1, 2009, two members shall be appointed for two (2) years, beginning July 1, 2009, two members shall be appointed for three (3) years beginning, July 1, 2009, and two members who shall be appointed for four (4) years, beginning July 1, 2009.

B. The remaining two members of the Commission shall be the State Fire Marshal, or a designee, and an appointee of the Construction Industries Board.

# Oklahoma Uniform Building Code Commission

As of July 1, 2010

C. Appointed members shall continue in office until a successor is appointed by the Governor. No appointed member shall serve more than two consecutive terms; provided, such a member shall be eligible to be reappointed after a two-year absence from the Commission. The Governor shall fill all vacancies and unexpired terms in the same manner as the original appointment of the member whose position is to be filled. Such members may be removed by the Governor for cause.

D. Whenever a member of the Commission is absent from more than one-half of all meetings of the governing body, regular and special, held within any period of twelve (12) consecutive months, the member shall thereupon cease to hold office by operation of law.

## **Section 1000.22 - Oklahoma Uniform Building Code Commission - Duties - Liability - Compensation**

Cite as: 59 O.S. § 1000.22 (OSCN 2010)

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1. The Oklahoma Uniform Building Code Commission shall organize immediately after July 1, 2009, and annually thereafter, by electing from among its members a chair and a vice-chair. The Commission shall hold regularly scheduled meetings at least once each quarter at a time and place determined by the Commission and may hold such special meetings, emergency meetings or continued or reconvened meetings as found by the Commission to be necessary. A majority of the members of the Commission shall constitute a quorum for the transaction of business.

2. The chair shall preside at meetings of the Commission, set the agenda, sign orders and other required documents, coordinate Commission activities and perform such other duties as may be prescribed by the Commission.

3. The vice-chair shall perform the duties of the chair during the absence or disability of the chair and shall perform such other duties as may be prescribed by the Commission.

4. The Oklahoma Uniform Building Code Commission Chief Executive Officer, at the discretion of the Commission, shall:

- a. keep a record of all proceedings of the Commission and certify to actions of the Commission,
- b. oversee the receipt and deposit of all monies received by the Commission in the appropriate revolving funds,
- c. submit, at the first regular meeting of the Commission after the end of each fiscal year, a fully itemized report of the receipts and disbursements for the prior fiscal year, showing the amount of funds on hand, and
- d. perform such other duties as are prescribed in this act or as may be prescribed by the Commission.

5. The Commission shall comply with the provisions of the Oklahoma Open Meeting Act, the Oklahoma Open Records Act and the Administrative Procedures Act.

6. All members of the Commission and such employees as determined by the Commission shall be bonded as required by Sections 85.26 through 85.31 of Title 74 of the Oklahoma Statutes.

7. The liability of any member or employee of the Commission acting within the scope of Commission duties or employment shall be governed by The Governmental Tort Claims Act.

# Oklahoma Uniform Building Code Commission

As of July 1, 2010

8. Members of the Oklahoma Uniform Building Code Commission and members of all technical committees shall serve without compensation, but shall be reimbursed for all actual and necessary expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act.

## **Section 1000.23 - Oklahoma Uniform Building Code Commission - Powers and Duties - Standards and Requirements**

Cite as: 59 O.S. § 1000.23 (OSCN 2010)

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A. The Oklahoma Uniform Building Code Commission shall have the power and the duty to review and adopt all building codes for residential and commercial construction to be used by all entities within this state. Codes and standards adopted by the Commission shall be the minimum standards for residential and commercial construction in this state.

B. All public projects shall abide by such minimum standards and requirements; provided, nothing in this act shall prevent or take away from state agencies the authority to enact and enforce requirements containing higher standards and requirements than such minimum standards and requirements.

C. Municipalities and other political subdivisions shall abide by such minimum standards and requirements; provided, nothing in this act shall prevent or take away from such municipalities and other political subdivisions the authority to enact and enforce requirements containing higher standards and requirements than such minimum standards and requirements

## **Section 1000.24 - Oklahoma Uniform Building Code Commission - Powers**

Cite as: 59 O.S. § 1000.24 (OSCN 2010)

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A. 1. Beginning July 1, 2009, pursuant to and in compliance with Article I of the Administrative Procedures Act, the Oklahoma Uniform Building Code Commission shall have the power to adopt, amend, repeal and promulgate rules as may be necessary to perform the duties required under the Oklahoma Uniform Building Code Commission Act. Rules authorized under this section shall not become effective prior to October 1, 2009.

2. Beginning October 1, 2009, the Commission shall have the power to enforce the provisions of the Oklahoma Uniform Building Code Commission Act.

3. Any codes adopted by state agencies, municipalities or other political subdivisions of the state prior to uniform codes being adopted by the Oklahoma Uniform Building Code Commission, pursuant to the provisions of, or rules promulgated pursuant to, the Oklahoma Uniform Building Code Commission Act, shall be considered valid and in effect until uniform codes are adopted by the Oklahoma Uniform Building Code Commission.

B. The Oklahoma Uniform Building Code Commission shall have the following powers:

1. Exercise all incidental powers and duties which are necessary to effectuate the provisions of the Oklahoma Uniform Building Code Commission Act;

2. Adopt and have an official seal;

3. Maintain an administrative staff, including, but not limited to, an Oklahoma Uniform Building Code Commission Chief Executive Officer;

# Oklahoma Uniform Building Code Commission

As of July 1, 2010

4. Direct such other expenditures as may be necessary in the performance of its duties, including, but not limited to, expenditures for office space, equipment, furnishings and contracts for services. All expenditures shall be made pursuant to the Oklahoma Central Purchasing Act;

5. Appoint technical committees to review and recommend for adoption all building codes. The technical committees shall review and recommend building codes with any amendments for adoption by the Commission; and

6. Create a website listing all building codes adopted by the Commission. The website shall provide a method for listing all codes adopted by a state agency, city or any other political subdivision of the state containing higher standards and requirements than the codes adopted pursuant to the Oklahoma Uniform Building Code Commission Act as required in Section 14-107 of Title 11 of the Oklahoma Statutes.

C. After October 1, 2009, the Commission shall account for all receipts and expenditures of the monies of the Commission, including annually preparing and publishing a statement of receipts and expenditures of the Commission for each fiscal year. The Commission's annual statement of receipts and expenditures shall be audited by the State Auditor and Inspector or an independent accounting firm, and the audit report shall be certified to the Governor of this state to be true and correct, under oath, by the chair and vice-chair of the Commission.

## **Section 1000.25 - Fees**

Cite as: 59 O.S. § 1000.25 (OSCN 2010)

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A. The Oklahoma Uniform Building Code Commission shall establish a system of fees to be charged for the issuance and renewal of any construction permits issued by any agency, municipality, or other political subdivision of this state.

B. This provision is subject to the following limitations:

1. No schedule of fees may be established or amended by the Commission except during such times as the Legislature is in session; provided, the Commission may establish or amend a schedule of fees at a time when the Legislature is not in session if the fees or schedule of fees has been specifically authorized by the Legislature pursuant to paragraphs 2 and 3 of this subsection. The Commission must follow the procedures required by Article I of the Administrative Procedures Act for adoption of rules in establishing or amending any such schedule of fees;

2. The Commission shall charge fees for building permits and renewal of such permits issued by any state agency, municipality, or other political subdivision of this state which authorized work governed by codes within the purview of the Commission only within the following ranges:

For issuance of permit not to exceed \$5.00

For renewal of permit not to exceed \$5.00

3. Such fees shall be collected by any state agency, municipality or other political subdivision issuing construction permits within this state. The fees shall be deposited in an account created by the collecting entity for that purpose;

4. The state agency, municipality or other political subdivision shall remit the monies in the account on a monthly basis directly to the State Treasury for deposit in the Oklahoma Uniform Building Code Commission Revolving Fund created pursuant to Section 10 of this act. Along with the deposits required by this paragraph, each state agency, municipality or other political

# Oklahoma Uniform Building Code Commission

As of July 1, 2010

subdivision shall also submit a report stating the total amount of funds collected and the total number of fees imposed during the preceding month. The report shall be made on computerized or manual disposition reports as provided by rule of the Commission;

5. Deposits to the Oklahoma Uniform Building Code Commission Revolving Fund shall be due on the twentieth day of each month for the fees collected during the preceding calendar month. There shall be a late fee imposed for failure to make timely deposits. The Oklahoma Uniform Building Code Commission, in its discretion, may waive all or part of the late fee. Such late fee shall be one percent (1%) of the principal amount due per day beginning from the tenth day after payment is due and accumulating until the late fee reaches one hundred percent (100%) of the principal amount due;

6. Any state agency, municipality or other political subdivision collecting and remitting fees pursuant to this section may levy a fee up to fifty cents (\$.50) for every construction permit or renewal permit issued. These monies shall be deposited into an account for the sole use of the state agency, municipality or other political subdivision. The state agency, municipality or other political subdivision shall state the total amount of funds collected and the total number of fees imposed to the State Treasury in the report required by paragraph 4 of this section;

7. It shall be the responsibility of the state agency, municipality or other political subdivision to account for and ensure the correctness and accuracy of payments made to the State Treasury pursuant to this title; and

8. Funds collected by a state agency, municipality or other political subdivision and remitted to the State Treasury pursuant to the Oklahoma Uniform Building Code Commission Act shall be deposited in the Oklahoma Uniform Building Code Commission Revolving Fund and shall be used solely for the purposes of the Oklahoma Uniform Building Code Commission Act.

## **Section 1000.26 - Oklahoma Uniform Building Code Commission Chief Executive Officer**

Cite as: 59 O.S. § 1000.26 (OSCN 2010)

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A. No later than August 15, 2009, and thereafter, each time the position becomes vacant, the Oklahoma Uniform Building Code Commission shall hire an Oklahoma Uniform Building Code Commission Chief Executive Officer. The Commission may, upon a majority vote, terminate the employment of the Oklahoma Uniform Building Code Commission Chief Executive Officer.

B. The Oklahoma Uniform Building Code Commission Chief Executive Officer shall assist the Commission in the performance of its duties and shall report directly to the Commission.

C. Commission employees shall be hired by and subject to the supervision and control of the Chief Executive Officer or designee. All employees are employees of the State of Oklahoma and shall be in the unclassified service.

D. The Chief Executive Officer is authorized to employ temporary workers or contract labor as may be prudent to properly administer the Oklahoma Uniform Building Code Commission Act.

# Oklahoma Uniform Building Code Commission

As of July 1, 2010

## **Section 1000.27 - Attorney General as Legal Advisor for Oklahoma Uniform Building Code Commission**

Cite as: 59 O.S. § 1000.27 (OSCN 2010)

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The Attorney General shall be the legal advisor for the Oklahoma Uniform Building Code Commission; and the Oklahoma Uniform Building Code Commission Chief Executive Officer and shall appear for and represent the Commission, the Chief Executive Officer and any deputies or agents in any and all litigation that may arise in the discharge of their respective duties.

## **Section 1000.28 - Oklahoma Uniform Building Code Commission Revolving Fund**

Cite as: 59 O.S. § 1000.28 (OSCN 2010)

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There is hereby created in the State Treasury a revolving fund for the Oklahoma Uniform Building Code Commission to be designated the Oklahoma Uniform Building Code Commission Revolving Fund. The fund shall be a continuous fund, not subject to fiscal year limitations, and shall consist of all fees or payments of any type received by the Commission. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Commission for the purpose of implementing the Oklahoma Uniform Building Code Commission Act. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

## **Section 1000.29 - Scope**

Cite as: 59 O.S. § 1000.29 (OSCN 2010)

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Nothing in the Oklahoma Uniform Building Code Commission Act shall prohibit state agencies or political subdivisions of the state from having full authority to provide for the enactment of codes and rules in such form as they may determine and prescribe; provided, that such code, ordinance, bylaw or rule shall contain higher standards and requirements than the codes adopted pursuant to the Oklahoma Uniform Building Code Commission Act, or any rule adopted or prescribed by the Oklahoma Uniform Building Code Commission through authority of Oklahoma Uniform Building Code Commission Act, nor shall it prevent or take away from any state agencies or political subdivisions of the state the authority to amend such adopted codes to make changes necessary to accommodate local conditions; provided, such changes shall be approved by the Commission