

**Permanent Rules and Executive Orders effective as of 07-22-2010**

**Title 748 - Uniform Building Code Commission**

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**Chapter 1 - Administrative Operations**

**748:1-1-1. Organization**

The employees of the Commission shall be organized and divided into such divisions or units, as the Commission deems desirable for efficiency. Such organization and division may be revised by the Commission as it finds necessary or expedient. Copies of the organizational chart are available upon request to the Chairman of the Commission.

[Source: Added at 27 Ok Reg 461, eff 12-3-09 (emergency); Added at 27 Ok Reg 2363, eff 7-11-10]

**748:1-1-2. Address**

The principal office of the Oklahoma Uniform Building Code Commission shall be at the Construction Industries Board, 2401 NW 23<sup>rd</sup> Street, Suite 5, Oklahoma City, Oklahoma 73107.

[Source: Added at 27 Ok Reg 461, eff 12-3-09 (emergency); Added at 27 Ok Reg 2363, eff 7-11-10]

**748:1-1-3. Commissioners**

- (a) The Commission shall elect from its membership a Chairman and a Vice-Chairman.
- (b) Officers of the Commission shall be elected annually, at the last meeting of each calendar year. In the event an officer's position becomes vacant, a replacement shall be elected to complete the unexpired term at the following meeting of the Commission.
- (c) The Chairman shall preside over all Commission meetings and rule on all questions of procedures and order. He shall call a special meeting when requested by four members, in writing, to do so. The chairman shall determine the agenda of each meeting.
- (d) The Vice-Chairman shall assume the duties of the Chairman during the chairman's absence or incapacity.

[Source: Added at 27 Ok Reg 461, eff 12-3-09 (emergency); Added at 27 Ok Reg 2363, eff 7-11-10]

**748:1-1-4. Meetings**

- (a) The Commission shall hold such meetings, as it deems necessary, with a regular meeting once during each quarter of the calendar year. Special meetings may be called by the Chairman in his discretion, and shall be called when four (4) members of the Commission of the Commission request of the Chairman, in writing, that such a meeting be called.
- (b) The Commission may convene at any location within the state of Oklahoma as the Commission may specify; provided, that unless otherwise specified, meetings shall be conducted at the room provided for that purpose at the Construction Industries Board, 2401 NW 23<sup>rd</sup> Street, Suite 5, Oklahoma City, Oklahoma 73107.

[Source: Added at 27 Ok Reg 461, eff 12-3-09 (emergency); Added at 27 Ok Reg 2363, eff 7-11-10]

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### Title 748 - Uniform Building Code Commission

#### Chapter 3 - General Provisions

##### 748:3-1-1. Context and Interpretation

(a) Unless the context otherwise requires, singular words shall be deemed to include the plural, and masculine words to include the feminine, and vice versa.

(b) These rules and the codes adopted herein are not intended to displace, inhibit or restrict the authority of permitting agencies or code enforcement jurisdictions from their administrative responsibilities to consider and interpret the spirit and intent of any adopted codes, including administrative sections of the adopted codes which address the duties and powers of building officials and administrative authorities. With respect to code provisions which are ministerial as opposed to those containing building or construction standards or requirements, the Commission adopts such provisions only to the extent that the Commission is authorized to do so and to the extent that any such provision is not contrary to any valid law of the State of Oklahoma or local ordinance.

[Source: Added at 27 Ok Reg 665, eff 1-12-10 (emergency); Added at 27 Ok Reg 2364, eff 7-11-10]

##### 748:3-1-2. Definitions

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

**"Authority Having Jurisdiction"** means an organization, office, or individual responsible for enforcing the requirements of the State Adopted Building Codes, including the prior authorization or approval of any equipment, materials, installations or procedures used in all or part of the construction of a new, or the alteration or renovation of an existing, building or structure, including integral finishes, fixtures and building systems therein.

**"Building Code"** means a collection of required standards and practices intended to apply to all or part of the construction of new, or the alteration or renovation of existing, buildings or structures, including integral finishes, fixtures and building systems therein.

**"Building Permit"** means any written or verbal authorization or approval, issued by an authority having jurisdiction, which allows the holder or other persons to commence the construction, alteration or renovation of all or part of a residential or commercial building or structure subject to the requirements of the State Adopted Building Codes. For purposes of this Title, the term building permit includes any process wherein authorization, approval or registration is required prior to construction even though: 1) a permitting or registration document is not issued at that time; 2) the authority having jurisdiction refers to the authorization, approval or registration as something other than a "permit"; or 3) the only activities performed by the authority having jurisdiction are fee-based inspections of the work performed. For purposes of this Title, each segment of a multi-segment permit shall be considered a separate building permit if the segment meets each of the following conditions: 1) the authority having jurisdiction requires a separate, stand-alone building permit for the segment work when said work is not performed as part of a multi-segment construction project; 2) the authority having jurisdiction charges a stand-alone building permit fee for the segment work when said work is not performed as part of a multi-segment construction project; and 3) the segment work is subject to the requirements of the State Adopted Building Codes.

**"Construction Code"** and **"Construction Permit"** shall have the same meaning as, and be respectively interchangeable and synonymous with, the terms "Building Code" and "Building Permit" as defined herein, respectively.

**"Multi-Segment Permitting"** is the administrative process of consolidating multiple building permit work authorizations, approvals and/or registrations and the payment of required permit fees for a multi-segment construction project into a single administrative process.

**"State Adopted Building Codes"** means any legally applicable building code currently in force and effect within the State or a governing jurisdiction until superseded by a code adopted by the Commission and all building codes adopted by the Oklahoma Uniform Building Code Commission.

[Source: Added at 27 Ok Reg 665, eff 1-12-10 (emergency); Added at 27 Ok Reg 2364, eff 7-11-10]

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**Title 748 - Uniform Building Code Commission**

**Chapter 5 - Fees and Collection of Fees**

**Subchapter 1 – Fees**

**748:5-1-1. Fee for initial permit and permit renewal**

(a) Beginning the first day of the month 60 days following the Governor's approval of the emergency rules, the Commission shall charge a fee of \$4.00 on all building permits issued by any state agency, municipality, or other political subdivision of this state which authorizes work governed by the State Adopted Building Codes. Beginning the first day of the month 60 days following the Governor's approval of the emergency rules, the Commission shall charge a fee of \$0 on all renewal building permits issued by any state agency, municipality, or other political subdivision of this state which authorizes work governed by the State Adopted Building Codes.

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

(c) 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 1000.28 of Title 59 of the Oklahoma statutes.

(d) 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 building permit. Any state agency, municipality or other political subdivision collecting and remitting fees pursuant to this section may levy a fee of \$0 for any building 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 subparagraph (g) of this section.

(e) 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 Uniform Building Code Commission Act as found at 59 O.S. §1000.21 et seq.

(f) 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.

(g) Along with the deposits required by subparagraph (d), each state agency, municipality or other political 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 forms as prescribed by the Commission.

[Source: Added at 27 Ok Reg 666, eff 1-12-10 (emergency); Added at 27 Ok Reg 2365, eff 7-11-10]

**Subchapter 3 - Collection and Late Fee Assessment**

**748:5-3-1. Late Fee Assessment**

Deposits of fees 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.

[Source: Added at 27 Ok Reg 666, eff 1-12-10 (emergency); Added at 27 Ok Reg 2365, eff 7-11-10]

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**Title 748 - Uniform Building Code Commission**

**Chapter 7 - Commission Committees**

**Subchapter 1 – General**

**748:7-1-1. General composition and assignments**

General composition and task assignments of Commission Committees shall be as directed by Commission. With the exception of technical committees, typically the membership of a committee shall be at least two (2) but not more than five (5) Commission members. Committee members shall be as nominated by the Commission chairman or other Commission member(s) and approved by vote of the Commission. As needed, the Commission chairman may call and task a committee between Commission meetings without specific Commission approval. At the next Commission meeting, the called committee and task assignment shall be ratified or modified by vote of the Commission or a directive to cease activities would be given the committee.

[Source: Added at 27 Ok Reg 2366, eff 7-11-10]

**748:7-1-2. Scope**

Task assignments shall be researched and reviewed by the respective committee and a recommendation shall be presented to the Commission for approval, disapproval, modification, re-study, or end of task assignments.

[Source: Added at 27 Ok Reg 2366, eff 7-11-10]

**748:7-1-3. Reports**

Committees shall report to the Commission quarterly or otherwise as often as applicable to their task assignment(s). Reports to the Commission will include a written summary of a committee's study and recommendations, including action minutes of committee meetings.

[Source: Added at 27 Ok Reg 2366, eff 7-11-10]

**748:7-1-4. Open Meeting rules**

Committees are advisory only and the Open Meeting Act does not apply to committee meetings. A quorum of Commission members shall not be appointed to any committee.

[Source: Added at 27 Ok Reg 2366, eff 7-11-10]

**748:7-1-5. Participation of the public**

Committees may allow or request individuals from the public to attend and provide expertise related to committee task assignments as requested by members of the committee with the approval of the committee chair.

[Source: Added at 27 Ok Reg 2366, eff 7-11-10]

**748:7-1-6. Advisory only**

Actions by all committees are advisory and subject to Commission action. Likewise, the Commission may vote to proceed on any subject or task without recommendation from a committee.

[Source: Added at 27 Ok Reg 2366, eff 7-11-10]

**748:7-1-7. Prerogative and direction**

Committee leadership and working assignments to accomplish the committee's task shall be the prerogative of the members of a committee, unless otherwise directed by the Commission or Commission chairman.

[Source: Added at 27 Ok Reg 2366, eff 7-11-10]

#### **748:7-1-8. Committee forms**

Committees may take the form of various types of work or missions as directed by the Commission. Committees can take whatever form the Commission so directs. The typical committee types include, but not limited to, ad hoc committees, standing committees, and technical committees.

[Source: Added at 27 Ok Reg 2366, eff 7-11-10]

### **Subchapter 3 - Ad Hoc Committees**

#### **748:7-3-1. Ad Hoc Committees**

Ad hoc committees shall be created by the Commission for a specific purpose of limited scope, typically having a set time frame for completion.

[Source: Added at 27 Ok Reg 2366, eff 7-11-10]

### **Subchapter 5 - Standing Committees**

#### **748:7-5-1. Standing Committees**

Standing Committees shall be formed and charged with ongoing task assignments and shall have no set schedule to end its task(s) except as directed by the Commission.

[Source: Added at 27 Ok Reg 2366, eff 7-11-10]

### **Subchapter 7 - Technical Committees**

#### **748:7-7-1. Specific purpose**

Technical committees shall be tasked to review and recommend for or against adoption of a specific potential construction code or elements contained within such code(s).

[Source: Added at 27 Ok Reg 2366, eff 7-11-10]

#### **748:7-7-2. Task assignments**

Technical committee task assignments directed by the Commission can be any code related regulatory item(s) as may provide for the health, safety, and welfare of the public. Typically, technical committees will review potential code(s) for adoption, but shall not be limited to that function or method in completing the directives of the Commission.

[Source: Added at 27 Ok Reg 2366, eff 7-11-10]

#### **748:7-7-3. Technical Committee composition**

Technical committees shall be comprised of at least one Commission member who will perform the duties of a Commission liaison to the technical committee and shall be ex officio member with a vote. Typically, the other members of a technical committee will be from the public providing in general for a cross-section of expertise representative of the field of construction related to the task assignment given the committee by the Commission. Nominated and elected within the committee, the technical committee chairman and vice chairman will be one of the public members of the committee unless the Commission or Commission chairman directs otherwise.

[Source: Added at 27 Ok Reg 2366, eff 7-11-10]

**748:7-7-4. Member selection**

(a) Public members of technical committees shall be selected from individual volunteers, or persons recommended by members of the Commission, or by a permitting jurisdiction, or by a construction industry organization, or by a construction firm or design firm, or from any other construction related source. Candidates shall submit resumes' and any other of their background data as requested by the Commission, and a statement of interest as to why they would provide the needed expertise and code experience for service based on the task of a specific technical committee. The Commission Vice Chairman, or his designee, will serve as the contact person to receive all such public requests for consideration by a public nominator. The Vice Chairman shall present a recommendation to the Commission for approval of a slate of technical committee members for a specific committee, plus one alternate nominee in each sub-element of the technical committee, such as but not limited to, industry contractors, code regulators, and design team members. The Commission will elect the persons of their choice after considering the recommended slate of the Vice Chairman. The membership size of a technical committee shall be set by the Commission and can vary based upon the task assignment.

(b) Serving at the Commission's pleasure, the term of office for a technical committee and the effective office of its members shall remain in force until dismissed by the Commission, individually or collectively.

[Source: Added at 27 Ok Reg 2366, eff 7-11-10]



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**Chapter 10 - Code Adoption Procedures**

**Subchapter 1 – General**

**748:10-1-1. Discretion of the Commission**

The Commission has the responsibility and authority to elect the best and most appropriate method(s) to facilitate code adoption regardless of whatever typical protocol of process(s) and format(s) may currently or historically exist. The Commission may act upon its own discretion, or seek the opinions and recommendations of others. Typically the Commission will select and utilize a technical committee to research and review options for potential new codes or code revisions, and receive from that technical committee a recommended course of action for the Commission's consideration.

[Source: Added at 27 Ok Reg 2368, eff 7-11-10]

**748:10-1-2. Public input to Technical Committees**

Technical committees shall provide for public comment and suggestions for the task assignments directed by the Commission. This public interaction shall occur during the technical committee's deliberations and before a final report/recommendation is presented to the Commission for action. Depending upon the task assignment, the Commission will determine the number of public meetings that shall be called, as well as, the location and time.

[Source: Added at 27 Ok Reg 2368, eff 7-11-10]

**748:10-1-3. Technical Committees recommendations and reports**

Technical committees shall provide progress reports to the Commission as directed by the Commission. Unless otherwise directed by the Commission, recommendations by a technical committee shall be presented to the Commission in writing and shall conclude with one of the following or a combination thereof, "recommend adoption without modification," or "adoption not recommended," or "recommend adoption subject to the following, amendment, deletion, or addition."

[Source: Added at 27 Ok Reg 2368, eff 7-11-10]

**748:10-1-4. Final adoption by rulemaking**

After all technical committee reports are made to the Commission in open session allowing for public comment, the Commission may commence APA rulemaking to adopt the appropriate code or element of a code at their discretion. Technical committee reports are advisory only and the Commission can commence APA rulemaking to adopt, table, modify as noted, or any other appropriate action as deemed so by the Commission. Technical committee reports which are not submitted within the schedule as approved or revised by the Commission may be considered for action without receiving a technical committee recommendation, with or without an accompanying report.

[Source: Added at 27 Ok Reg 2368, eff 7-11-10]

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### **Title 748 - Uniform Building Code Commission**

#### **Chapter 15 - Code Adopted by State Agencies and Political Subdivisions**

##### **748:15-1-1. Codes which may be adopted**

State agencies and political subdivisions may adopt construction codes with standards and requirements which exceed the standards and requirements adopted by the Commission.

[Source: Added at 27 Ok Reg 2369, eff 7-11-10]

##### **748:15-1-2. Procedure to adopt different code**

(a) An adopted code shall be filed with the Commission. The code shall be accompanied by a written statement from the agency's or political subdivision's chief executive officer or legal counsel certifying that said code has been duly adopted in accordance with Oklahoma law, with a copy of the official minutes reflecting the adoption of said code. The code will then be approved for listing on the Commission's website subject to 748:15-1-2(b).

(b) The Commission's approval for website listing shall be entirely focused upon whether the submitting agency or jurisdiction has completed the filing requirements prescribed by the Commission and certified to the Commission as to the lawful adoption of the code. The Commission shall not approve codes based upon the technical equivalency or superiority of the submitted code compared to State adopted codes. However, if the Commission finds that a State agency's or political subdivision's adopted code does not contain higher standards or requirements than any State Adopted Code, the Commission may indicate this finding on the website listing.

(c) Effective dates of locally adopted codes submitted by an agency or jurisdiction shall not be considered or ruled upon by the Commission.

[Source: Added at 27 Ok Reg 2369, eff 7-11-10]

##### **748:15-1-3. Amendment of existing Commission codes**

State agencies and political subdivisions may amend codes adopted by the Commission to make changes necessary to accommodate local conditions, subject to approval of the Commission. Commission approval for amendment of existing codes shall be considered after an agency or jurisdiction certifies that it is the official action of that entity to pursue such an amendment and submit to the procedures set forth in 748:15-1-4, including a possible technical evaluation by the Commission in determining whether approval should be granted.

[Source: Added at 27 Ok Reg 2369, eff 7-11-10]

##### **748:15-1-4. Procedure to amend Commission adopted codes**

(a) A state agency or political subdivision shall submit an application to the Commission to make an amendment to a Commission adopted code. All amendments must be necessary to accommodate a local condition(s) and the application shall clearly explain the proposed accommodation, why the amendment is "necessary" and identify the "local condition."

(b) The Commission will assign the application to the appropriate technical committee for review and recommendation. The Commission will consider the committee recommendation in open session.

(c) The Commission's denial of an application is subject to appeal as an individual proceeding pursuant to the Administrative Procedures Act.

(d) Upon the Commission's approval of the application, the amendment will be posted to the Commission's website to inform the public about such change in the respective agency's or political subdivision's jurisdiction.

(e) For purposes of this section:

(1) "Accommodate" means the proposed code amendment solution actually serves as its primary purpose to address the issue which necessitates the amendment.

(2) "Local condition" means a condition which is particularly specific to the environment or surroundings of the jurisdiction seeking the change or amendment to the State adopted code and the condition is not expressly or specifically contemplated in the adopted code at issue.

(3) "Necessary" means an essential and safe code amendment solution, the absence of which causes undue hardship on a person or class of persons.

[Source: Added at 27 Ok Reg 2369, eff 7-11-10]

#### **748:15-1-5. Effect of repeal**

An agency's or political subdivision's repeal of a code with higher standards or requirements or change to accommodate local condition shall be effective upon repeal unless otherwise specified by the agency or political subdivision repealing the higher standard or requirement or local change.

[Source: Added at 27 Ok Reg 2369, eff 7-11-10]