

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Do Pass with Amendments to the A-Engrossed Measure. (Printed B-Engrossed)
Vote:	4 - 2 - 0
Yeas:	Edwards, Monroe, Starr, Beyer
Nays:	Girod, Thomsen
Exc.:	0
Prepared By:	Patrick Brennan, Administrator
Meeting Dates:	4/29, 5/13

WHAT THE MEASURE DOES: Standardizes provisions related to enforcement of state building code. Standardizes policies allowing Department of Consumer and Business Services or municipal building inspector to investigate persons for working without permit across program areas. Sets cap for investigative fee assessed by state or local government for investigation of working without permit at average or actual cost of investigation. Establishes uniform enforcement requirements in all program areas for activities requiring licensure, including process by which Department may bring suit for violations and provisions related to enforcement actions against license.

ISSUES DISCUSSED:

- Sets standards for state and local government
- Purpose of committee amendment
- Capping of investigative fees

EFFECT OF COMMITTEE AMENDMENT: Deletes language in section 2 specifying that investigative fee and plan review fee may not total more than twice the amount of plan review fee and building permit fee that would otherwise have been charged; replaces with language specifying that amount of investigative fee will be the average or actual additional cost of ensuring that building is in conformance with state building code requirements resulting from person commencing work without required permits. Deletes section 8(5), which exempts licenses, certificates, registrations or applications for licensure, certification or registration involving inspectors or persons engaged in manufacture, conversion or repair of prefabricated structures, components or recreational vehicles. Deletes specification that Director of Department of Consumer and Business Services may only order corrective action subject to ORS 446.260(2).

BACKGROUND: The Building Codes Division of the Department of Consumer and Business Services (DCBS) works with seven Governor-appointed boards (Boiler Rules, Building Codes Structures, Construction Industry Energy, Electrical and Elevator, Mechanical, Plumbing and Residential and Manufactured Structures) to ensure that construction in Oregon complies with the state building code. Each board has specific authority within its statutory jurisdiction; however, legislation in recent sessions has established certain umbrella statutes relating to construction in Oregon, such as the 2007 umbrella contractor licensure measure (House Bill 3242).

House Bill 2978-B establishes umbrella provisions for investigative fees and increased plan review and building permit fees for cases where an individual commences work before first obtaining a plan review or building permit. The measure authorizes DCBS to bring suit to enforce compliance with the state building code, establishes a right of appeal for persons denied licensure, and prohibits specialty code contractor activities without recognition as a specialty code contractor.

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This summary has not been adopted or officially endorsed by action of the committee.