

House Bill 2907

Sponsored by Representative RAYFIELD, Senator GELSER; Representatives BARRETO, OLSON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that specialized building inspector authorized by, but not employed by, municipality to administer and enforce parts of state building code specialty code is appointee of municipality for purpose of inspector certification statutes. Expands definition of inspector for purposes of inspector certification statutes to include specialized building inspector appointed by municipality. Allows certification of appointed building inspector to perform inspections in building code administrative regions.

A BILL FOR AN ACT

1
2 Relating to building inspectors; amending ORS 455.715, 455.723, 455.732 and 455.740.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 455.715 is amended to read:

5 455.715. As used in ORS 455.715 to 455.740, unless the context otherwise requires:

6 (1) "Building official" means a person charged by a municipality with responsibility for admin-
7 istration and enforcement of the state building code in the municipality.

8 (2) "Business of providing prefabricated structure plan approvals and inspections" means an in-
9 dependent contractor providing prefabricated structure plan approval or inspection services, or both,
10 under the following specialty codes, as provided in ORS 455.020, 455.705 and 455.715:

11 (a) Structural;

12 (b) Mechanical;

13 (c) Plumbing;

14 (d) Electrical; and

15 (e) Low-rise residential dwelling.

16 (3) "Inspector" means:

17 (a) A person, including a plans examiner, acting under the authority and direction of a building
18 official and charged with the responsibility of routine enforcement of one or more specialty codes
19 or parts of specialty codes;

20 (b) A person, including a plans examiner, who provides enforcement of one or more specialty
21 codes or parts of specialty codes and who is personally in the business of providing prefabricated
22 structure plan approvals or inspections or is employed by such a business;

23 (c) A specialized building inspector certified under ORS 455.723 who is **appointed or** employed
24 by a municipality or by the Department of Consumer and Business Services **to enforce parts of a**
25 **specialty code**;

26 (d) A person **appointed or** employed by a municipality or the department who is certified under
27 ORS 455.732 to perform inspections under one or more specialty codes throughout a building code
28 administrative region; or

29 (e) A person designated by the Director of the Department of Consumer and Business Services

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 to ensure compliance with a specialty code or with any requirement for a license, registration, cer-
 2 tification, endorsement or other authorization to perform work related to the administration and
 3 enforcement of the state building code.

4 **SECTION 2.** ORS 455.723 is amended to read:

5 455.723. (1) The Director of the Department of Consumer and Business Services, with the advice
 6 of the appropriate advisory boards, may adopt rules establishing one or more programs to train,
 7 qualify and certify an individual as a specialized building inspector authorized to enforce [*portions*]
 8 **parts** of specialty codes. Notwithstanding ORS 455.720 (1) and 455.725, the rules may include, but
 9 need not be limited to, rules that establish:

- 10 (a) Work experience, training and other qualifications for program participation;
- 11 (b) Content and presentation requirements for training programs;
- 12 (c) Methods for verifying the qualification of the individual to enforce [*portions*] **parts** of spe-
 13 cialty codes as a specialized building inspector [*certified under this section*];
- 14 (d) The [*portions*] **parts** of various specialty codes that each program will enable a qualifying
 15 individual to enforce and any terms, conditions or classifications applicable for that enforcement;
 16 and
- 17 (e) Requirements the director believes reasonable for the administration and enforcement of this
 18 section.

19 (2) Notwithstanding ORS 446.250, 455.630, 455.720, 455.725, 479.530, 479.810 and 479.855, the di-
 20 rector may issue or cause to be issued a certificate as a specialized building inspector to an indi-
 21 vidual who successfully completes an approved training program and satisfies qualification
 22 verification under this section.

23 (3) [*An individual certified as*] A specialized building inspector [*under this section*] may conduct
 24 inspections and enforce [*portions*] **parts** of specialty codes under ORS 479.510 to 479.945 and 479.950
 25 and this chapter and ORS chapters 446, 447 and 693 as identified by the director. The enforcement
 26 of [*portions*] **parts** of specialty codes by a specialized building inspector is subject to any terms,
 27 conditions or classifications applicable to that enforcement established by the director by rule.

28 **(4) A specialized building inspector who is authorized, but not employed, by a municipality**
 29 **to administer and enforce parts of a specialty code is an appointee of the municipality for**
 30 **purposes of ORS 455.715 to 455.740.**

31 **SECTION 3.** ORS 455.732 is amended to read:

32 455.732. (1) As used in this section, “building code administrative region” means a region es-
 33 tablished by the Director of the Department of Consumer and Business Services under ORS 455.042
 34 for the uniform administration of the state building code.

35 (2) The authority of the director under ORS 455.720 and 455.723 to specify terms, conditions and
 36 classifications for the certification of inspectors includes the authority to certify an inspector to
 37 perform inspections under multiple specialty codes or parts of a specialty code.

38 (3) The director may provide for an inspector who is likely to be **appointed or** employed within
 39 a specific building code administrative region to be certified to perform inspections throughout a
 40 building code administrative region, whether within or outside of a municipality. The director may
 41 recognize any training program certified by the director under ORS 455.723 or 455.725 for purposes
 42 of certifying an inspector to perform inspections throughout a building code administrative region.
 43 This subsection does not require a municipality administering and enforcing a building inspection
 44 program under ORS 455.148 or 455.150 to allow an inspector certified under this subsection who is
 45 not **appointed or** employed by the municipality to perform building inspections on behalf of the

1 municipality.

2 (4) In determining the appropriate experience, training or other qualifications for an inspector
3 under ORS 455.720 or 455.723, the director shall consult with the appropriate advisory boards. The
4 factors to be considered by the director may include, but need not be limited to:

5 (a) Any factors specific to, or of particular relevance to, a specialty code or to the types of
6 buildings, structures, systems or equipment in a geographic area that are inspected under the spe-
7 cialty code;

8 (b) Staffing levels or other specific criteria for building inspection programs established by a
9 municipality where the inspector is likely to be **appointed or** employed or for building inspection
10 programs established by the director; and

11 (c) Any factors specific to, or of particular relevance to, the building code administrative region
12 within which the inspector is likely to be **appointed or** employed.

13 (5) In determining the scope of certifications and qualifications for an inspector, the director
14 may utilize field training equivalency, independent evaluations or other methods the director deems
15 appropriate.

16 **SECTION 4.** ORS 455.740 is amended to read:

17 455.740. (1) Subject to ORS chapter 183, the Director of the Department of Consumer and Busi-
18 ness Services may deny, condition, suspend, revoke or refuse to renew a certificate of a building
19 official or inspector if the director finds that the building official or inspector has:

20 (a) Consistently failed to act in the public interest in the performance of duties;

21 (b) Failed to complete the continuing education requirements as required under ORS 455.720 (4);

22 (c) Provided false information to the department; or

23 (d) Committed an act described in ORS 455.125 or 455.129.

24 (2) In any revocation proceeding under this section, the municipality that **appoints or** employs
25 the building official or inspector shall be entitled to appear as a party in interest, either for or
26 against the revocation.

27 (3) When a certification is suspended or revoked under this section, the director may also sus-
28 pend, deny or place conditions on that person's right to reapply for certification under ORS 455.735
29 for a period not to exceed 12 months.

30 (4) This section does not limit or otherwise affect the authority of a municipality to dismiss or
31 suspend a building official or inspector at the discretion of the municipality.

32 (5) Notwithstanding the requirements of subsections (1) to (4) of this section, the director may
33 adopt rules that:

34 (a) Allow certifications to be placed on inactive status; and

35 (b) Extend continuing education compliance requirements in case of illness or hardship.

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