

Requested by HOUSE COMMITTEE ON RULES (at the request of Representative Paul Holvey)

**PROPOSED AMENDMENTS TO
HOUSE BILL 2420**

1 On page 1 of the printed bill, line 4, after “455.450,” insert “455.475,”.
2 Delete lines 7 through 19 and delete pages 2 through 24 and insert:

3

4

“GENERAL DEFINITIONS

5

6 **“SECTION 1.** ORS 455.010 is amended to read:

7 “455.010. As used in this chapter, unless the context requires otherwise:

8 “(1)(a) ‘Advisory board’ means the board with responsibility for assisting
9 in the adoption, amendment or administration of a specialty code, specif-
10 ically:

11 “(A) The Building Codes Structures Board established under ORS 455.132;

12 “(B) The Electrical and Elevator Board established under ORS 455.138;

13 “(C) The State Plumbing Board established under ORS 693.115;

14 “(D) The Board of Boiler Rules established under ORS 480.535;

15 “(E) The Residential and Manufactured Structures Board established un-
16 der ORS 455.135;

17 “(F) The Mechanical Board established under ORS 455.140; or

18 “(G) The Construction Industry Energy Board established under ORS
19 455.492.

20 “(b) ‘Appropriate advisory board’ means the advisory board that has ju-
21 risdiction over a particular code, standard, license, certification or matter.

1 “(2) ‘Department’ means the Department of Consumer and Business Ser-
2 vices.

3 “(3) ‘Director’ means the Director of the Department of Consumer and
4 Business Services.

5 “(4) ‘Low-Rise Residential Dwelling Code’ means the adopted specialty
6 code prescribing standards for the construction of residential dwellings that
7 are three stories or less above grade and have an exterior door for each
8 dwelling unit, but are not facilities or homes described in ORS 443.400 or
9 transient lodging.

10 **“(5) ‘Municipal building official’ means a person who is charged by
11 a municipality with responsibility for the administration and enforce-
12 ment of a building inspection program in the municipality and is:**

13 **“(a) An employee of the municipality; or**

14 **“(b) A person employed under an intergovernmental agreement or
15 by a council of governments to carry out that responsibility:**

16 **“(A) In three or more adjacent counties, subject to a department
17 determination by rule that the counties can be reasonably served by
18 the person on a timely basis; and**

19 **“(B) In one or more cities located within counties described in
20 subparagraph (A) of this paragraph, subject to a department determi-
21 nation by rule that the cities can be reasonably served by the person
22 on a timely basis.**

23 **“(6) ‘Municipal inspector’ means a person who performs routine
24 enforcement of one or more state building code specialty codes or
25 parts of one or more specialty codes for a municipality and is:**

26 **“(a) An employee of the municipality; or**

27 **“(b) A person employed under an intergovernmental agreement or
28 by a council of governments or acting as an independent contractor
29 exercising actual or apparent authority under the contract to perform
30 that routine enforcement:**

1 **“(A) In three or more adjacent counties, subject to a department**
2 **determination by rule that the counties can be reasonably served by**
3 **the person on a timely basis; and**

4 **“(B) In one or more cities located within counties described in**
5 **subparagraph (A) of this paragraph, subject to a department determi-**
6 **nation by rule that the cities can be reasonably served by the person**
7 **on a timely basis.**

8 **“[(5)] (7) ‘Municipality’** means a city, county or other unit of local gov-
9 ernment otherwise authorized by law to administer a building code.

10 **“[(6)] (8) ‘Prefabricated structure’** means a building or subassembly that
11 has been in whole or substantial part manufactured or assembled using
12 closed construction at an off-site location to be wholly or partially assembled
13 on-site. ‘Prefabricated structure’ does not include a manufactured dwelling,
14 recreational structure or recreational vehicle, as those terms are defined in
15 ORS 446.003.

16 **“[(7)] (9) ‘Specialty code’** means a code of regulations adopted under ORS
17 446.062, 446.185, 447.020 (2), 455.020 (2), 455.496, 455.610, 455.680, 460.085,
18 460.360, 479.730 (1) or 480.545, but does not include regulations adopted by
19 the State Fire Marshal pursuant to ORS chapter 476 or ORS 479.015 to
20 479.200 and 479.210 to 479.220.

21 **“[(8)] (10) ‘State building code’** means the combined specialty codes.

22 **“[(9)] (11) ‘Structural code’** means the specialty code prescribing struc-
23 tural standards for building construction.

24 **“[(10)] (12) ‘Unsafe condition’** means a condition caused by earthquake
25 which is determined by the department or any representative of the depart-
26 ment to be dangerous to life and property. ‘Unsafe condition’ includes but
27 is not limited to:

28 **“(a) Any portion, member or appurtenance of a building that has become**
29 **detached or dislodged or appears likely to fail or collapse and thereby injure**
30 **persons or damage property; or**

1 “(b) Any portion, of a building or structure that has been damaged by
2 earthquake, or by fire or explosion resulting from an earthquake, to the ex-
3 tent that the structural strength or stability of the building is substantially
4 less than it was prior to the earthquake.

5
6 **“BUILDING OFFICIAL AND INSPECTOR QUALIFICATIONS**

7
8 **“SECTION 2. (1) Except as provided in subsection (2) of this section,**
9 **a municipal building official serving a municipality that administers**
10 **and enforces a building inspection program under ORS 455.148 or**
11 **455.150 must:**

12 **“(a) Hold a valid certificate as an A-level inspector or A-level**
13 **structural plan examiner issued by the Department of Consumer and**
14 **Business Services or an equivalent certificate issued by a national or-**
15 **ganization recognized by the Director of the Department of Consumer**
16 **and Business Services by rule; and**

17 **“(b) Have:**

18 **“(A) Five or more years of experience performing A-level structural**
19 **plan review under an appropriate certificate;**

20 **“(B) Five or more years of experience performing A-level structural**
21 **inspections under an appropriate certificate; or**

22 **“(C) A bachelor’s degree or higher degree in architecture, mechan-**
23 **ical engineering or electrical engineering.**

24 **“(2) A person who does not meet the requirements under subsection**
25 **(1) of this section may serve as a municipal building official for a**
26 **municipality if the municipality employs a lead municipal inspector**
27 **who possesses some of the qualifications described under subsection**
28 **(1) of this section as specified in department rules.**

29 **“SECTION 3. ORS 455.715 is amended to read:**

30 **“455.715. As used in ORS 455.715 to 455.740, unless the context otherwise**

1 requires:

2 “(1) ‘Building official’ means a person charged by a municipality with
3 responsibility for administration and enforcement of the state building code
4 in the municipality.

5 “(2) ‘Business of providing prefabricated structure plan approvals and in-
6 spections’ means an independent contractor providing prefabricated structure
7 plan approval or inspection services, or both, under the following specialty
8 codes, as provided in ORS 455.020, 455.705 and 455.715:

9 “(a) Structural;

10 “(b) Mechanical;

11 “(c) Plumbing;

12 “(d) Electrical; *[and]* **or**

13 “(e) Low-rise residential dwelling.

14 “(3) ‘Inspector’ means:

15 “(a) A person, including a plans examiner, *[acting under the authority and*
16 *direction of a building official and]* charged **by a municipality** with the re-
17 sponsibility of routine enforcement of one or more specialty codes or parts
18 of specialty codes **on behalf of the municipality**;

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

23 “(c) A specialized building inspector certified under ORS 455.723 who *[is*
24 *employed by]* **provides services to** a municipality or *[by]* **through** the De-
25 partment of Consumer and Business Services;

26 “(d) A person *[employed by]* **providing services to** a municipality or the
27 department who is certified under ORS 455.732 to perform inspections under
28 one or more specialty codes throughout a building code administrative re-
29 gion; or

30 “(e) A person designated by the Director of the Department of Consumer

1 and Business Services to ensure compliance with a specialty code or with
2 any requirement for a license, registration, certification, endorsement or
3 other authorization to perform work [*related to the administration and*
4 *enforcement of*] **regulated under** the state building code.

5 **“SECTION 4.** ORS 455.720 is amended to read:

6 “455.720. (1) In accordance with applicable provisions of ORS chapter 183,
7 to promote effective and uniform enforcement of the state building code by
8 improving the competence of building officials and inspectors, the Director
9 of the Department of Consumer and Business Services, with the advice of the
10 advisory boards, shall:

11 “(a) Establish for building officials and inspectors reasonable minimum
12 training and experience standards, including but not limited to courses or
13 subjects for instruction, facilities for instruction, qualification of instructors
14 and methods of instruction. The standards shall include provisions for de-
15 termining a practical experience equivalent.

16 “(b) Establish a procedure to be used by municipalities to determine
17 whether a person meets minimum standards or has minimum training to [*be*
18 *appointed or employed*] **provide services** as a building official or inspector.
19 The procedure shall allow for a field examination of a person to determine
20 if the person meets the practical experience equivalent of a minimum stand-
21 ard.

22 “(c) Subject to such terms, conditions and classifications as the director
23 may impose, certify building officials as being qualified, and revoke such
24 certifications in the manner provided in ORS 455.740.

25 “(d) Require an applicant for a certificate as a building official or in-
26 spector to demonstrate knowledge of the laws governing accessibility to
27 buildings by persons with disabilities by passing an examination prescribed
28 by the director.

29 “(2) The director shall maintain and, upon request of [*municipalities, fur-*
30 *nish information on applicants for appointment or employment as building of-*

1 *officials or inspectors.] a municipality, furnish information on candidates*
2 *for the provision of municipal building official services, or municipal*
3 *inspector services, to the municipality.*

4 “(3) Pursuant to ORS chapter 183, the director shall adopt rules necessary
5 to carry out the certification programs provided by subsection (1) of this
6 section.

7 “(4) The director, by rule, may require evidence of completion of contin-
8 uing education covering any certification created under this section as a
9 condition of maintaining the certification. Nothing in this subsection shall
10 prohibit the director from delegating any of this power to a municipality.

11 “(5) The director, with the advice of the appropriate advisory boards, may
12 adopt rules for certifying inspectors as being qualified to enforce one or more
13 particular specialty codes, subject to any terms, conditions and classifica-
14 tions the director may impose, and for revoking those certifications in the
15 manner provided in ORS 455.740.

16 **“SECTION 5.** ORS 455.723 is amended to read:

17 “455.723. (1) The Director of the Department of Consumer and Business
18 Services, with the advice of the appropriate advisory boards, may adopt rules
19 establishing one or more programs to train, qualify and certify an individual
20 as a specialized building inspector authorized to enforce [*portions*] **parts** of
21 specialty codes. Notwithstanding ORS 455.720 (1) and 455.725, the rules may
22 include, but need not be limited to, rules that establish:

23 “(a) Work experience, training and other qualifications for program par-
24 ticipation;

25 “(b) Content and presentation requirements for training programs;

26 “(c) Methods for verifying the qualification of the individual to enforce
27 [*portions*] **parts** of specialty codes as a specialized building inspector certi-
28 fied under this section;

29 “(d) The [*portions*] **parts** of various specialty codes that each program
30 will enable a qualifying individual to enforce and any terms, conditions or

1 classifications applicable for that enforcement; and

2 “(e) Requirements the director believes reasonable for the administration
3 and enforcement of this section.

4 “(2) Notwithstanding ORS 446.250, 455.630, 455.720, 455.725, 479.530,
5 479.810 and 479.855, the director may issue or cause to be issued a certificate
6 as a specialized building inspector to an individual who successfully com-
7 pletes an approved training program and satisfies qualification verification
8 under this section. **A specialized building inspector may be trained and
9 certified in parts of more than one specialty code.**

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

17 **“SECTION 6.** ORS 455.730 is amended to read:

18 “455.730. [*No person shall be appointed or employed as a building official
19 or inspector by any municipality*] **A municipality may not accept municipi-
20 pal building official or municipal inspector services from a person un-
21 less the person has been certified as being qualified under ORS 455.715 to
22 455.740, and the certification has not lapsed or been revoked.**

23 **“SECTION 7.** ORS 455.732 is amended to read:

24 “455.732. (1) As used in this section, ‘building code administrative
25 region’ means a region established by the Director of the Department of
26 Consumer and Business Services under ORS 455.042 for the uniform admin-
27 istration of the state building code.

28 “(2) The authority of the director under **this section and** ORS 455.720
29 and 455.723 to specify terms, conditions and classifications for the certifica-
30 tion of inspectors includes the authority to certify an inspector to perform

1 inspections under multiple specialty codes or parts of a specialty code.

2 “(3) The director may provide for an inspector who is likely to be em-
3 ployed within a specific building code administrative region to be certified
4 to perform inspections throughout a building code administrative region,
5 whether within or outside of a municipality. The director may recognize any
6 training program certified by the director under ORS 455.723 or 455.725 for
7 purposes of certifying an inspector to perform inspections throughout a
8 building code administrative region. This subsection does not require a
9 municipality administering and enforcing a building inspection program un-
10 der ORS 455.148 or 455.150 to allow an inspector certified under this sub-
11 section who is not [*employed by*] **an employee of** the municipality to perform
12 building inspections on behalf of the municipality.

13 “(4) In determining the appropriate experience, training or other quali-
14 fications for an inspector under ORS 455.720 or 455.723, the director shall
15 consult with the appropriate advisory boards. The factors to be considered
16 by the director may include, but need not be limited to:

17 “(a) Any factors specific to, or of particular relevance to, a specialty code
18 or to the types of buildings, structures, systems or equipment in a geographic
19 area that are inspected under the specialty code;

20 “(b) Staffing levels or other specific criteria for building inspection pro-
21 grams established by a municipality where the inspector is likely to [*be em-*
22 *ployed*] **provide services** or for building inspection programs established by
23 the director; and

24 “(c) Any factors specific to, or of particular relevance to, the building
25 code administrative region within which the inspector is likely to [*be em-*
26 *ployed*] **provide services**.

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

30 **“SECTION 8.** ORS 455.737 is amended to read:

1 “455.737. (1) Notwithstanding ORS 455.720 (1), the Director of the De-
2 partment of Consumer and Business Services, by rule, shall adopt criteria for
3 review of the experience and training in building inspection and building
4 plan review acquired by a person outside the State of Oregon. The criteria
5 shall be adopted in a manner that facilitates review of a person’s qualifica-
6 tions by a [local] **municipal** building official.

7 “(2)(a) A [local] **municipal** building official who wishes to [employ] **use**
8 **the services of** a person who is not certified under ORS 455.735 as an in-
9 spector shall submit the person’s qualifications to the director. The director
10 shall review the stated qualifications against the criteria adopted under
11 subsection (1) of this section, including verification of experience and train-
12 ing. The director shall respond to the [local] **municipal** building official in
13 writing within 10 working days of receiving the applicant’s qualifications,
14 stating whether the person meets the applicable criteria.

15 “(b) Upon application and payment of the required fee, the director shall
16 allow a person whose qualifications meet the criteria adopted under sub-
17 section (1) of this section to sit for any examination necessary for the re-
18 quired certification.

19 “**SECTION 9.** ORS 455.740 is amended to read:

20 “455.740. (1) Subject to ORS chapter 183, the Director of the Department
21 of Consumer and Business Services may deny, condition, suspend, revoke or
22 refuse to renew a certificate of a building official or inspector if the director
23 finds that the building official or inspector has:

24 “(a) Consistently failed to act in the public interest in the performance
25 of duties;

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

28 “(c) Provided false information to the Department **of Consumer and**
29 **Business Services;** or

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

1 “(2) In any revocation proceeding under this section, [*the*] a municipality
2 **or council of governments** that employs the building official or inspector
3 [*shall be*] **is** entitled to appear as a party in interest, either for or against
4 the revocation.

5 “(3) When a certification is suspended or revoked under this section, the
6 director may also suspend, deny or place conditions on that person’s right
7 to reapply for certification under ORS 455.735 for a period not to exceed 12
8 months.

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

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

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

15 “(b) Extend continuing education compliance requirements in case of ill-
16 ness or hardship.

17

18 “MUNICIPAL BUILDING INSPECTION PROGRAMS

19

20 “**SECTION 10.** (1) **If a municipal building official makes a building**
21 **inspection program decision that is adverse to a party, and the deci-**
22 **sion is not a code interpretation, a ruling on design or materials or a**
23 **ruling on other technical or scientific issues reserved by law for de-**
24 **termination by the Director of the Department of Consumer and**
25 **Business Services, the Department of Consumer and Business Ser-**
26 **vices, a chief specialty code inspector or an advisory board, the**
27 **municipality shall provide an administrative process for appealing the**
28 **decision.**

29 “(2) **At the time of making the decision, the municipal building of-**
30 **ficial shall, in writing:**

1 “(a) State that the party may appeal the decision; and

2 “(b) Describe the means and the deadline for informing the
3 municipality that the party is appealing the decision.

4 “(3) The municipal administrative process must:

5 “(a) Afford the party an opportunity to appeal the decision before
6 an individual, department or body that is other than the municipal
7 building official or a municipal inspector; and

8 “(b) Not be a judicial proceeding in a court of law.

9 “(4) If a municipal inspector makes a determination that is adverse
10 to a party, and after receiving a request for review from the adversely
11 affected party the municipal building official fails to timely review the
12 municipal inspector’s determination and issue a decision, the munici-
13 pality shall treat the failure as a municipal building official decision
14 affirming the municipal inspector and provide the party a reasonable
15 opportunity to use the municipal administrative process to appeal.

16 “(5) The costs incurred by a municipality in providing notice and
17 administrative process under this section are building inspection pro-
18 gram administration and enforcement costs for the purpose of fee
19 adoption under ORS 455.210.

20 “SECTION 11. A person, regardless of how employed, who performs
21 plan review, building inspection services or building official services
22 for a municipality is a public official for the purposes of ORS chapter
23 244.

24 “SECTION 12. ORS 455.148 is amended to read:

25 “455.148. (1)(a) A municipality that assumes the administration and
26 enforcement of a building inspection program shall administer and enforce
27 the program for all of the following:

28 “(A) The state building code, as defined in ORS 455.010, except as set
29 forth in paragraph (b) of this subsection.

30 “(B) Manufactured structure installation requirements under ORS 446.155,

1 446.185 (1) and 446.230.

2 “(C) Manufactured dwelling parks and mobile home parks under ORS
3 chapter 446.

4 “(D) Park and camp programs regulated under ORS 455.680.

5 “(E) Tourist facilities regulated under ORS 446.310 to 446.350.

6 “(F) Manufactured dwelling alterations regulated under ORS 446.155.

7 “(G) Manufactured structure accessory buildings and structures under
8 ORS 446.253.

9 “(H) Boilers and pressure vessels described in rules adopted under ORS
10 480.525 (5).

11 “(b) A building inspection program of a municipality may not include:

12 “(A) Boiler and pressure vessel programs under ORS 480.510 to 480.670
13 except those described in rules adopted under ORS 480.525 (5);

14 “(B) Elevator programs under ORS 460.005 to 460.175;

15 “(C) Amusement ride regulation under ORS 460.310 to 460.370;

16 “(D) Prefabricated structure regulation under ORS chapter 455;

17 “(E) Manufacture of manufactured structures programs under ORS 446.155
18 to 446.285, including the administration and enforcement of federal manu-
19 factured dwelling construction and safety standards adopted under ORS
20 446.155 or the National Manufactured Housing Construction and Safety
21 Standards Act of 1974;

22 “(F) Licensing and certification, or the adoption of statewide codes and
23 standards, under ORS chapter 446, 447, 455, 479 or 693; or

24 “(G) Review of plans and specifications as provided in ORS 455.685.

25 “(2) A municipality that administers a building inspection program as
26 allowed under this section shall do so for periods of four years. The De-
27 partment of Consumer and Business Services shall adopt rules to adjust time
28 periods for administration of a building inspection program to allow for
29 variations in the needs of the department and participants.

30 “(3)(a) When a municipality administers a building inspection program,

1 the governing body of the municipality shall[, *unless other means are already*
2 *provided, appoint a person to administer and enforce the building inspection*
3 *program, who shall be known as the building official. A building official*
4 *shall, in the municipality for which appointed, attend to all aspects of code*
5 *enforcement, including the issuance of all building permits. Two or more*
6 *municipalities may combine in the appointment of a single building official for*
7 *the purpose of administering a building inspection program within their com-*
8 *munities.*] **arrange for the services of a municipal building official, and**
9 **if necessary a lead municipal inspector, in accordance with section 2**
10 **of this 2019 Act.**

11 **“(b) Except as provided in this subsection, the municipal building**
12 **official shall be responsible for ensuring the adequate and proper ad-**
13 **ministration and enforcement of building inspection program activ-**
14 **ities, including but not limited to the issuance of building permits. The**
15 **municipal building official shall provide supervision for municipal in-**
16 **spectors.**

17 **“(4)(a) By January 1 of the year preceding the expiration of the four-year**
18 **period described in subsection (2) of this section, the governing body of the**
19 **municipality shall notify the Director of the Department of Consumer and**
20 **Business Services and, if the municipality is not a county, notify the county**
21 **whether the municipality will continue to administer and enforce the build-**
22 **ing inspection program after expiration of the four-year period.**

23 **“(b) Notwithstanding the January 1 date set forth in paragraph (a) of this**
24 **subsection, the director and the municipality and, if the municipality is not**
25 **a county, the county may by agreement extend that date to no later than**
26 **March 1.**

27 **“(5) If a city does not notify the director, or notifies the director that it**
28 **will not administer the building inspection program, the county or counties**
29 **in which the city is located shall administer and enforce the county program**
30 **within the city in the same manner as the program is administered and en-**

1 forced outside the city, except as provided by subsection (6) of this section.

2 “(6) If a county does not notify the director, or notifies the director that
3 it will not administer and enforce a building inspection program, the director
4 shall contract with a municipality or other person or use such state em-
5 ployees or state agencies as are necessary to administer and enforce a
6 building inspection program, and permit or other fees arising therefrom shall
7 be paid into the Consumer and Business Services Fund created by ORS
8 705.145 and credited to the account responsible for paying the expenses
9 thereof. A state employee may not be displaced as a result of using contract
10 personnel.

11 “(7) The governing body of a municipality may commence responsibility
12 for the administration and enforcement of a building inspection program be-
13 ginning July 1 of any year by notifying the director no later than January
14 1 of the same year and obtaining the director’s approval of an assumption
15 plan as described in subsection [(11)(c)] **(12)(c)** of this section.

16 “(8) The department shall adopt rules to require the governing body of
17 each municipality assuming or continuing a building inspection program
18 under this section to submit a written plan with the notice required under
19 subsection (4) or (7) of this section. If the department is the governing body,
20 the department shall have a plan on file. The plan must specify how coop-
21 eration with the State Fire Marshal or a designee of the State Fire Marshal
22 will be achieved and how a uniform fire code will be considered in the review
23 process of the design and construction phases of buildings or structures.

24 “**(9) A municipal inspector who is not an employee of the munic-
25 ipality shall, subject to the approval of the municipal building official,
26 establish the resources used or needed for the municipal inspector to
27 perform routine enforcement services and establish the method by
28 which the enforcement services are to be performed.**

29 “[9] **(10)** A municipality that administers and enforces a building in-
30 spection program pursuant to this section shall recognize and accept the

1 performances of state building code activities by businesses and persons au-
2 thorized under ORS 455.457 to perform the activities as if the activities were
3 performed by the municipality. A municipality is not required to accept an
4 inspection, a plan or a plan review that does not meet the requirements of
5 the state building code.

6 “[~~(10)~~] (11) The department or a municipality that accepts an inspection
7 or plan review as required by this section by a person licensed under ORS
8 455.457 has no responsibility or liability for the activities of the licensee.

9 “[~~(11)~~] (12) In addition to the requirements of ORS 455.100 and 455.110,
10 the director shall regulate building inspection programs that municipalities
11 assume on or after January 1, 2002. Regulation under this subsection shall
12 include but not be limited to:

13 “(a) Creating building inspection program application and amendment
14 requirements and procedures;

15 “(b) Granting or denying applications for building inspection program
16 authority and amendments;

17 “(c) Requiring a municipality assuming a building inspection program to
18 submit with the notice given under subsection (7) of this section an as-
19 sumption plan that includes, at a minimum:

20 “(A) A description of the intended availability of program services, in-
21 cluding proposed service agreements for carrying out the program during at
22 least the first two years;

23 “(B) Demonstration of the ability and intent to provide building in-
24 spection program services for at least two years;

25 “(C) An estimate of proposed permit revenue and program operating ex-
26 penses;

27 “(D) Proposed staffing levels; and

28 “(E) Proposed service levels;

29 “(d) Reviewing procedures and program operations of municipalities;

30 “(e) Creating standards for efficient, effective, timely and acceptable

1 building inspection programs;

2 “(f) Creating standards for justifying increases in building inspection
3 program fees adopted by a municipality;

4 “(g) Creating standards for determining whether a county or department
5 building inspection program is economically impaired in its ability to rea-
6 sonably continue providing the program throughout a county, if another
7 municipality is allowed to provide a building inspection program within the
8 same county; and

9 “(h) Enforcing the requirements of this section.

10 “[~~(12)~~] **(13)** The department may assume administration and enforcement
11 of a building inspection program:

12 “(a) During the pendency of activities under ORS 455.770;

13 “(b) If a municipality abandons or is no longer able to administer the
14 building inspection program; and

15 “(c) If a municipality fails to substantially comply with any provision of
16 this section or of ORS 455.465, 455.467 and 455.469.

17 “[~~(13)~~] **(14)** If the department assumes the administration and enforcement
18 of a building inspection program under this section, in addition to any other
19 power granted to the director, the director may:

20 “(a) Enter into agreements with local governments under ORS 455.185
21 regarding the administration and enforcement of the assumed building in-
22 spection program;

23 “(b) Take action as described in ORS 455.192 to ensure that sufficient staff
24 and other resources are available for the administration and enforcement of
25 the assumed building inspection program; and

26 “(c) Charge fees described in ORS 455.195 for department services pro-
27 vided in administering and enforcing the assumed building inspection pro-
28 gram.

29 “[~~(14)~~] **(15)** A municipality that abandons or otherwise ceases to adminis-
30 ter and enforce a building inspection program that the municipality assumed

1 under this section may not resume the administration or enforcement of the
2 program for at least two years. The municipality may resume the adminis-
3 tration and enforcement of the abandoned program only on July 1 of an
4 odd-numbered year. Prior to resuming the administration and enforcement
5 of the program, the municipality must follow the notification procedure set
6 forth in subsection (7) of this section.

7 **“SECTION 13.** ORS 455.150 is amended to read:

8 “455.150. (1) Except as provided in subsection [(15)] (16) of this section,
9 a municipality that assumes the administration and enforcement of a build-
10 ing inspection program prior to January 1, 2002, may administer and enforce
11 all or part of a building inspection program. A building inspection program:

12 “(a) Is a program that includes the following:

13 “(A) The state building code, as defined in ORS 455.010, except as set
14 forth in paragraph (b) of this subsection.

15 “(B) Manufactured structure installation requirements under ORS 446.155,
16 446.185 (1) and 446.230.

17 “(C) Manufactured dwelling parks and mobile home parks under ORS
18 chapter 446.

19 “(D) Park and camp programs regulated under ORS 455.680.

20 “(E) Tourist facilities regulated under ORS 446.310 to 446.350.

21 “(F) Manufactured dwelling alterations regulated under ORS 446.155.

22 “(G) Manufactured structure accessory buildings and structures under
23 ORS 446.253.

24 “(H) Boilers and pressure vessels described in rules adopted under ORS
25 480.525 (5).

26 “(b) Is not a program that includes:

27 “(A) Boiler and pressure vessel programs under ORS 480.510 to 480.670
28 except those described in rules adopted under ORS 480.525 (5);

29 “(B) Elevator programs under ORS 460.005 to 460.175;

30 “(C) Amusement ride regulation under ORS 460.310 to 460.370;

1 “(D) Prefabricated structure regulation under ORS chapter 455;

2 “(E) Manufacture of manufactured structures programs under ORS 446.155
3 to 446.285, including the administration and enforcement of federal manu-
4 factured dwelling construction and safety standards adopted under ORS
5 446.155 or the National Manufactured Housing Construction and Safety
6 Standards Act of 1974;

7 “(F) Licensing and certification, or the adoption of statewide codes and
8 standards, under ORS chapter 446, 447, 455, 479 or 693; and

9 “(G) Review of plans and specifications as provided in ORS 455.685.

10 “(2) A municipality that administers a building inspection program as
11 allowed under this section shall do so for periods of four years. The De-
12 partment of Consumer and Business Services shall adopt rules to adjust time
13 periods for administration of a building inspection program to allow for
14 variations in the needs of the department and participants.

15 “(3)(a) When a municipality administers a building inspection program,
16 the governing body of the municipality shall[, *unless other means are already*
17 *provided, appoint a person to administer and enforce the building inspection*
18 *program or parts thereof, who shall be known as the building official. A*
19 *building official shall, in the municipality for which appointed, attend to all*
20 *aspects of code enforcement, including the issuance of all building permits.*
21 *Two or more municipalities may combine in the appointment of a single*
22 *building official for the purpose of administering a building inspection pro-*
23 *gram within their communities.] **arrange for the services of a municipal***

24 **building official, and if necessary a lead municipal inspector, in ac-**
25 **cordance with section 2 of this 2019 Act.**

26 “(b) **Except as provided in this subsection, the municipal building**
27 **official shall be responsible for ensuring the adequate and proper ad-**
28 **ministration and enforcement of building inspection program activ-**
29 **ities, including but not limited to the issuance of building permits. The**
30 **municipal building official shall provide supervision for municipal in-**

1 **spectors.**

2 “(4)(a) By January 1 of the year preceding the expiration of the four-year
3 period described in subsection (2) of this section, the governing body of the
4 municipality shall notify the Director of the Department of Consumer and
5 Business Services and, if not a county, notify the county whether the
6 municipality will continue to administer the building inspection program, or
7 parts thereof, after expiration of the four-year period. If parts of a building
8 inspection program are to be administered and enforced by a municipality,
9 the parts shall correspond to a classification designated by the director as
10 reasonable divisions of work.

11 “(b) Notwithstanding the January 1 date set forth in paragraph (a) of this
12 subsection, the director and the municipality and, if the municipality is not
13 a county, the county may by agreement extend that date to no later than
14 March 1.

15 “(5) If a city does not notify the director, or notifies the director that it
16 will not administer certain specialty codes or parts thereof under the build-
17 ing inspection program, the county or counties in which the city is located
18 shall administer and enforce those codes or parts thereof within the city in
19 the same manner as it administers and enforces them outside the city, except
20 as provided by subsection (6) of this section.

21 “(6) If a county does not notify the director, or notifies the director that
22 it will not administer and enforce certain specialty codes or parts thereof
23 under the building inspection program, the director shall contract with a
24 municipality or other person or use such state employees or state agencies
25 as are necessary to administer and enforce those codes or parts thereof, and
26 permit or other fees arising therefrom shall be paid into the Consumer and
27 Business Services Fund created by ORS 705.145 and credited to the account
28 responsible for paying such expenses. A state employee may not be displaced
29 as a result of using contract personnel.

30 “(7) If a municipality administering a building inspection program under

1 this section seeks to administer additional parts of a program, the munici-
2 pality must comply with ORS 455.148, including the requirement that the
3 municipality administer and enforce all aspects of the building inspection
4 program. Thereafter, the municipality is subject to ORS 455.148 and ceases
5 to be subject to this section.

6 “(8) The department shall adopt rules to require the governing body of
7 each municipality to submit a written plan with the notice required under
8 subsection (4) of this section. If the department is the governing body, the
9 department shall have a plan on file. The plan shall specify how cooperation
10 with the State Fire Marshal or a designee of the State Fire Marshal will be
11 achieved and how a uniform fire code will be considered in the review pro-
12 cess of the design and construction phases of buildings or structures.

13 **“(9) A municipal inspector who is not an employee of the munici-**
14 **pality shall, subject to the approval of the municipal building official,**
15 **establish the resources used or needed for the municipal inspector to**
16 **perform routine enforcement services and establish the method by**
17 **which the enforcement services are to be performed.**

18 “[9] (10) A municipality that administers a code for which persons or
19 businesses are authorized under ORS 455.457 to perform activities shall rec-
20 ognize and accept those activities as if performed by the municipality. A
21 municipality is not required to accept an inspection, a plan or a plan review
22 that does not meet the requirements of the state building code.

23 “[10] (11) The department or a municipality that accepts an inspection
24 or plan review as required by this section by a person licensed under ORS
25 455.457 has no responsibility or liability for the activities of the licensee.

26 “[11] (12) In addition to the requirements of ORS 455.100 and 455.110,
27 the director shall regulate building inspection programs of municipalities
28 assumed prior to January 1, 2002. Regulation under this subsection shall
29 include but not be limited to:

30 “(a) Creating building inspection program application and amendment

1 requirements and procedures;

2 “(b) Granting or denying applications for building inspection program
3 authority and amendments;

4 “(c) Reviewing procedures and program operations of municipalities;

5 “(d) Creating standards for efficient, effective, timely and acceptable
6 building inspection programs;

7 “(e) Creating standards for justifying increases in building inspection
8 program fees adopted by a municipality;

9 “(f) Creating standards for determining whether a county or department
10 building inspection program is economically impaired in its ability to rea-
11 sonably continue providing the program or part of the program throughout
12 a county, if another municipality is allowed to provide a building inspection
13 program or part of a program within the same county; and

14 “(g) Enforcing the requirements of this section.

15 “[~~(12)~~] **(13)** The department may assume administration and enforcement
16 of a building inspection program:

17 “(a) During the pendency of activities under ORS 455.770;

18 “(b) If a municipality abandons any part of the building inspection pro-
19 gram or is no longer able to administer the building inspection program; and

20 “(c) If a municipality fails to substantially comply with any provision of
21 this section or of ORS 455.465, 455.467 and 455.469.

22 “[~~(13)~~] **(14)** If the department assumes the administration and enforcement
23 of a building inspection program under this section, in addition to any other
24 power granted to the director, the director may:

25 “(a) Enter into agreements with local governments under ORS 455.185
26 regarding the administration and enforcement of the assumed building in-
27 spection program;

28 “(b) Take action as described in ORS 455.192 to ensure that sufficient staff
29 and other resources are available for the administration and enforcement of
30 the assumed building inspection program; and

1 “(c) Charge fees described in ORS 455.195 for department services pro-
2 vided in administering and enforcing the assumed building inspection pro-
3 gram.

4 “[~~(14)~~] (15) If a municipality abandons or otherwise ceases to administer
5 all or part of a building inspection program described in this section, the
6 municipality may not resume the administration and enforcement of the
7 abandoned program or part of a program for at least two years. The
8 municipality may resume the administration and enforcement of the aban-
9 doned program or part of a program only on July 1 of an odd-numbered year.
10 To resume the administration and enforcement of the abandoned program or
11 part of a program, the municipality must comply with ORS 455.148, including
12 the requirement that the municipality administer and enforce all aspects of
13 the building inspection program. Thereafter, the municipality is subject to
14 ORS 455.148 and ceases to be subject to this section.

15 “[~~(15)~~] (16) A municipality that administers and enforces a building in-
16 spection program under this section shall include in the program the in-
17 spection of boilers and pressure vessels described in subsection (1)(a)(H) of
18 this section.

19 **“SECTION 14.** ORS 455.475 is amended to read:

20 “455.475. (1) An applicant for a building permit may appeal a decision
21 made by a building official under authority established pursuant to ORS
22 455.148, 455.150 or 455.467. The following apply to an appeal under this sub-
23 section:

24 “(a) An appeal regarding the interpretation or application of a particular
25 specialty code provision shall be made first to the appropriate specialty code
26 chief inspector of the Department of Consumer and Business Services. The
27 decision of the department chief inspector may be appealed to the appropri-
28 ate advisory board. The decision of the advisory board may only be appealed
29 to the Director of the Department of Consumer and Business Services if
30 codes in addition to the applicable specialty code are at issue.

1 “(b) If the appropriate advisory board determines that a decision by the
2 department chief inspector is a major code interpretation, then the inspector
3 shall distribute the decision in writing to all applicable specialty code public
4 and private inspection authorities in the state. The decision shall be dis-
5 tributed within 60 days after the board’s determination, and there shall be
6 no charge for the distribution of the decision. As used in this paragraph, a
7 ‘major code interpretation’ means a code interpretation decision that affects
8 or may affect more than one job site or more than one inspection jurisdic-
9 tion.

10 “(2) Except as provided in subsection (1) of this section **or section 10 of**
11 **this 2019 Act**, an applicant for a building permit may appeal the decision
12 of a building official on any matter relating to the administration and
13 enforcement of this chapter to the department. The appeal must be in writ-
14 ing. A decision by the department on an appeal filed under this subsection
15 is subject to judicial review as provided in ORS 183.484.

16 “(3) If an appeal is made under this section, an inspection authority shall
17 extend the plan review deadline by the number of days it takes for a final
18 decision to be issued for the appeal.

19

20 “CONFORMING AMENDMENTS

21

22 “**SECTION 15.** ORS 215.236 is amended to read:

23 “215.236. (1) As used in this section, ‘dwelling’ means a single-family res-
24 idential dwelling not provided in conjunction with farm use.

25 “(2) The governing body or its designee may not grant final approval of
26 an application made under ORS 215.213 (3) or 215.284 (1), (2), (3), (4) or (7)
27 for the establishment of a dwelling on a lot or parcel in an exclusive farm
28 use zone that is, or has been, receiving special assessment without evidence
29 that the lot or parcel upon which the dwelling is proposed has been dis-
30 qualified for special assessment at value for farm use under ORS 308A.050

1 to 308A.128 or other special assessment under ORS 308A.315, 321.257 to
2 321.390, 321.700 to 321.754 or 321.805 to 321.855 and any additional tax im-
3 posed as the result of disqualification has been paid.

4 “(3) The governing body or its designee may grant tentative approval of
5 an application made under ORS 215.213 (3) or 215.284 (1), (2), (3), (4) or (7)
6 for the establishment of a dwelling on a lot or parcel in an exclusive farm
7 use zone that is specially assessed at value for farm use under ORS 308A.050
8 to 308A.128 upon making the findings required by ORS 215.213 (3) or 215.284
9 (1), (2), (3), (4) or (7). An application for the establishment of a dwelling that
10 has been tentatively approved shall be given final approval by the governing
11 body or its designee upon receipt of evidence that the lot or parcel upon
12 which establishment of the dwelling is proposed has been disqualified for
13 special assessment at value for farm use under ORS 308A.050 to 308A.128 or
14 other special assessment under ORS 308A.315, 321.257 to 321.390, 321.700 to
15 321.754 or 321.805 to 321.855 and any additional tax imposed as the result of
16 disqualification has been paid.

17 “(4) The owner of a lot or parcel upon which the establishment of a
18 dwelling has been tentatively approved as provided by subsection (3) of this
19 section shall, before final approval, simultaneously:

20 “(a) Notify the county assessor that the lot or parcel is no longer being
21 used as farmland or for other specially assessed uses described in subsection
22 (2) or (3) of this section;

23 “(b) Request that the county assessor disqualify the lot or parcel from
24 special assessment under ORS 308A.050 to 308A.128, 308A.315, 321.257 to
25 321.390, 321.700 to 321.754 or 321.805 to 321.855; and

26 “(c) Pay any additional tax imposed upon disqualification from special
27 assessment.

28 “(5) Except as provided in subsection (6) of this section, a lot or parcel
29 that has been disqualified pursuant to subsection (4) of this section may not
30 requalify for special assessment unless, when combined with another contig-

1 uous lot or parcel, it constitutes a qualifying parcel.

2 “(6)(a) A lot or parcel that has been disqualified pursuant to subsection
3 (4) of this section may requalify for wildlife habitat special assessment under
4 ORS 308A.403 to 308A.430 or conservation easement special assessment under
5 ORS 308A.450 to 308A.465 without satisfying the requirements of subsection
6 (5) of this section.

7 “(b) Upon disqualification from wildlife habitat special assessment under
8 ORS 308A.430 or disqualification from conservation easement special assess-
9 ment under ORS 308A.465, the lot or parcel shall be subject to the require-
10 ments of subsection (5) of this section.

11 “(7) When the owner of a lot or parcel upon which the establishment of
12 a dwelling has been tentatively approved notifies the county assessor that
13 the lot or parcel is no longer being used as farmland and requests disquali-
14 fication of the lot or parcel for special assessment at value for farm use, the
15 county assessor shall:

16 “(a) Disqualify the lot or parcel for special assessment at value for farm
17 use under ORS 308A.050 to 308A.128 or other special assessment by removing
18 the special assessment;

19 “(b) Provide the owner of the lot or parcel with written notice of the
20 disqualification; and

21 “(c) Impose the additional tax, if any, provided by statute upon disquali-
22 fication.

23 “(8) The Department of Consumer and Business Services, a **municipal**
24 building official, as defined in ORS [455.715 (1)] **455.010**, or any other agency
25 or official responsible for the administration and enforcement of the state
26 building code, as defined in ORS 455.010, may not issue a building permit for
27 the construction of a dwelling on a lot or parcel in an exclusive farm use
28 zone without evidence that the owner of the lot or parcel upon which the
29 dwelling is proposed to be constructed has paid the additional tax, if any,
30 imposed by the county assessor under subsection (7)(c) of this section.

1 **“SECTION 16.** ORS 446.250 is amended to read:

2 “446.250. The Director of the Department of Consumer and Business Ser-
3 vices shall cause inspections to be made, approve plans and specifications,
4 provide technical services and issue permits for alteration of manufactured
5 dwellings and installation of manufactured dwellings and manufactured
6 structure accessory buildings and structures on a lot. The director shall ap-
7 point or contract with municipalities that request such appointment or con-
8 tract for inspection and issuance of permits for alteration of manufactured
9 dwellings and installation of manufactured dwellings and manufactured
10 structure accessory buildings and structures and alterations of installations
11 of plumbing, heating, illuminating, cooking or electrical equipment, provided
12 the [*municipality employs as local*] **municipal** inspectors **are** qualified per-
13 sons who have been certified by the director for inspection and issuance of
14 permits for alteration of manufactured dwellings and installation of manu-
15 factured dwellings and manufactured structure accessory buildings and
16 structures, pursuant to ORS 446.003, 446.111, 446.155, 446.160, 446.176, 446.225
17 to 446.285 and 446.990. However, the certification standards under this sec-
18 tion shall relate to the inspections to be performed and shall not be more
19 stringent for municipal inspectors than those applying to state inspectors.

20 **“SECTION 17.** ORS 446.255 is amended to read:

21 “446.255. (1) After written notice and hearing as provided in subsection
22 (2) of this section, the Director of the Department of Consumer and Business
23 Services may revoke the certification of a [*local*] **municipal** inspector certi-
24 fied under ORS 446.250, or the authority of a [*local government*] **munici-**
25 **pality** to enforce provisions of ORS 446.003, 446.111, 446.160, 446.176, 446.225
26 to 446.285 and 446.990, [*when*] **if** it appears by competent evidence that the
27 inspector or [*local government*] **municipality** has consistently failed to act
28 in the public interest in the enforcement of the provisions of ORS 446.003,
29 446.111, 446.160, 446.176, 446.225 to 446.285 and 446.990.

30 “(2) Any proceedings under subsection (1) of this section shall be con-

1 ducted pursuant to the provisions of ORS 183.415 to 183.430, 183.440 to
2 183.460, 183.470 to 183.485 and 183.490 to 183.540, dealing with contested
3 cases.

4 **“SECTION 18.** ORS 447.091 is amended to read:

5 “447.091. The Department of Consumer and Business Services or local
6 government administering the plumbing specialty code adopted under ORS
7 447.020 (2) may, upon request of any sanitary district formed pursuant to
8 ORS 450.005 to 450.245, sanitary authority established under ORS 450.600 to
9 450.989, or county service district established under ORS 451.410 to 451.610,
10 contract for *[the]* **district** inspection of building sewers constructed to con-
11 nect a district sewage system if inspectors *[employed by such]* **for the** district
12 are certified for sewer inspections under ORS 455.715 to 455.740.

13 **“SECTION 19.** ORS 450.837 is amended to read:

14 “450.837. (1) Water authorities and sanitary authorities are municipalities
15 for the purposes of administering and enforcing the plumbing code as pro-
16 vided under ORS 455.150.

17 “(2) However, notwithstanding ORS 455.150 (3), a **municipal** building of-
18 ficial *[appointed by]* **providing services to** a water authority or sanitary
19 authority, or *[an]* **a municipal** inspector acting under the authority and di-
20 rection of such a building official shall *[administer and enforce only that*
21 *portion]* **carry out administration and enforcement activities only for**
22 **that part** of the plumbing code governing the installation and maintenance
23 of connections between structures and the mains and sewers of the authority.

24 “(3) Nothing in this section authorizes a building official or inspector
25 *[of]* **for** a water authority or sanitary authority to administer or enforce all
26 or part of any specialty code except the plumbing code.

27 “(4) A water authority or sanitary authority shall notify the Director of
28 the Department of Consumer and Business Services not later than May 1 of
29 each year as to whether the authority will or will not exercise the code
30 enforcement power granted by this section.

1 **“SECTION 20.** ORS 455.042 is amended to read:

2 “455.042. The Director of the Department of Consumer and Business Ser-
3 vices shall establish regions for all areas of the state to carry out the uni-
4 form administration of the state building code. The director shall assign
5 Department of Consumer and Business Services employees for the regions
6 as necessary to:

7 “(1) Promote consistent interpretation of the state building code;

8 “(2) Resolve disputes between [*local*] **municipal** building officials and
9 contractors or developers regarding the application of one or more provisions
10 of the state building code; and

11 “(3) Provide oversight and enforcement of ORS 446.003 to 446.200, 446.225
12 to 446.285, 446.395 to 446.420, 479.510 to 479.945, 479.950, 479.995 and 480.510
13 to 480.670 and ORS chapters 447, 455, 460 and 693 and the rules adopted un-
14 der those statutes.

15 **“SECTION 21.** ORS 455.046 is amended to read:

16 “455.046. (1) The Department of Consumer and Business Services shall:

17 “(a) Develop and administer an installation label program for minor in-
18 stallations under the state building code, including but not limited to elec-
19 trical installations under ORS 455.627, 479.540 and 479.570 and plumbing
20 installations under ORS 447.076;

21 “(b) Develop standard application forms and procedures for use by
22 municipalities in Clackamas, Multnomah and Washington Counties when is-
23 suing structural, mechanical, electrical, plumbing and other permits when
24 those permits do not require a review of building plans;

25 “(c) Develop standard application forms and procedures for issuing build-
26 ing permits and recording inspections;

27 “(d) Develop standard forms and procedures for reviewing building plans;

28 “(e) Establish standardized criteria and methodology for determining fee
29 amounts for permits that are required under the state building code estab-
30 lished under ORS 455.030;

1 “(f) Maintain and make available to the public the names of persons cer-
2 tified to review building plans;

3 “(g) Maintain and make available to the public the names of persons
4 certified to perform technical inspections; and

5 “(h) Administer prepaid building permit cost accounts.

6 “(2) The department may use the resources of the Tri-County Building
7 Industry Service Center to:

8 “(a) Assist [*local*] **municipal** building officials in the administration and
9 enforcement of the state building code; and

10 “(b) Establish a process to facilitate the consistent application of the
11 state building code throughout the state.

12 **“SECTION 22.** ORS 455.062 is amended to read:

13 “455.062. (1) A Department of Consumer and Business Services employee
14 acting within the scope of that employment may provide typical plans and
15 specifications:

16 “(a) For structures of a type for which the provision of plans or specifi-
17 cations is exempted under ORS 671.030 from the application of ORS 671.010
18 to 671.220 and exempted under ORS 672.060 from the application of ORS
19 672.002 to 672.325; and

20 “(b) Notwithstanding ORS 671.010 to 671.220 and 672.002 to 672.325, for
21 structures that are metal or wood frame Use and Occupancy Classification
22 Group U structures under the structural specialty code.

23 “(2) A **municipal** building official [*or inspector, as those terms are defined*
24 *in ORS 455.715, when*], **if** acting within the scope of direct employment by
25 a municipality, may provide typical plans and specifications for structures
26 of a type for which the provision of plans or specifications is exempted under
27 ORS 671.030 from the application of ORS 671.010 to 671.220 and exempted
28 under ORS 672.060 from the application of ORS 672.002 to 672.325.

29 “(3) This section does not alter any applicable requirement under ORS
30 671.010 to 671.220 or 672.002 to 672.325 regarding stamps and seals for a set

1 of plans for a structure.

2 **“SECTION 23.** ORS 455.070 is amended to read:

3 “455.070. (1) Any person may report a suspected violation of the state
4 building code that poses an imminent threat to public health or safety to the
5 local **municipal** building official or, where the code is state-administered,
6 to the Department of Consumer and Business Services. The complaint shall
7 be in writing and submitted under rules adopted by the department. The
8 rules of the department shall provide for the disposition of frivolous or har-
9 assing complaints by requiring detailed descriptions of the alleged violation
10 and reference to the code sections allegedly violated.

11 “(2) The municipality or the department shall give notice of the complaint
12 to the contractor, building owner and subcontractor, if any, involved in the
13 project alleged to be in violation. The municipality or the department may
14 charge the complainant for the necessary costs of supplying, copying and
15 distributing the complaint form.

16 “(3) If, after five working days, no remedial action has taken place, the
17 complainant has standing to appeal the matter to the appeals board of the
18 municipality, where one is established, or directly to the appropriate advi-
19 sory board where there is no local appeals board. The municipal appeals
20 board or state advisory board shall reach a final decision within 14 days of
21 the complainant’s appeal. A municipal appeals board decision shall then be
22 subject to appeal to a state advisory board under ORS 455.690, provided that
23 the state advisory board shall reach a final determination within 14 days of
24 notice of an appeal. A record of the written complaint and the findings of
25 the appeals and advisory boards may be introduced into evidence in any ju-
26 dicial proceeding for damages brought against the complainant by any person
27 suffering damages as a result of the complaint.

28 **“SECTION 24.** ORS 455.080 is amended to read:

29 “455.080. Notwithstanding ORS 455.630 (2), any inspector, including a
30 specialty code inspector licensed under ORS 455.457, authorized by ORS

1 **455.148**, 455.150 or 455.153 to determine compliance with the requirements
2 of the state building code or any specialty code under this chapter may, in
3 accordance with a compliance program as described in ORS 455.153 (2), re-
4 quire any person who is engaged in any activity regulated by the state
5 building code to demonstrate proof of compliance with the applicable li-
6 censing, registration or certification requirements of ORS chapters 446, 447,
7 455, 460, 479, 480, 693 and 701.

8 **“SECTION 25.** ORS 455.200 is amended to read:

9 “455.200. The Director of the Department of Consumer and Business Ser-
10 vices:

11 “(1) May adopt rules, establish policies and procedures and take other
12 actions the director considers reasonable or expedient for carrying out
13 agreements under ORS 455.148 [(13)] (14), 455.150 [(13)] (14) or 455.185 and
14 any duties, functions and powers of the director or the Department of Con-
15 sumer and Business Services under ORS 455.148 [(13)] (14), 455.150 [(13)] (14)
16 or 455.185 to 455.198;

17 “(2) Shall consult at least annually with appropriate advisory boards re-
18 garding any agreements under ORS 455.185 or actions taken by the director
19 under ORS 455.148 [(13)] (14), 455.150 [(13)] (14) or 455.185 to 455.198; and

20 “(3) Shall report annually to the Legislative Assembly as provided under
21 ORS 192.230 to 192.250 regarding any department activities under ORS
22 455.148 [(13)] (14), 455.150 [(13)] (14) or 455.185 to 455.198. The report shall
23 include, but not be limited to, information regarding any projected need for
24 an increase in department resources required for carrying out the adminis-
25 tration and enforcement of building inspection programs under ORS 455.148
26 [(13)] (14), 455.150 [(13)] (14) or 455.185 to 455.198.

27 **“SECTION 26.** ORS 455.210 is amended to read:

28 “455.210. (1) Fees shall be prescribed as required by ORS 455.020 for plan
29 review and permits issued by the Department of Consumer and Business
30 Services for the construction, reconstruction, alteration and repair of pre-

1 fabricated structures and of buildings and other structures and the installa-
2 tion of mechanical heating and ventilating devices and equipment. The fees
3 may not exceed 130 percent of the fee schedule printed in the 'Uniform
4 Building Code,' 1979 Edition, and in the 'Uniform Mechanical Code,' 1979
5 Edition, both published by the International Conference of Building Officials.
6 Fees are not effective until approved by the Oregon Department of Admin-
7 istrative Services.

8 “(2) Notwithstanding subsection (1) of this section, the maximum fee the
9 Director of the Department of Consumer and Business Services may prescribe
10 for a limited plan review for fire and life safety as required under ORS
11 479.155 shall be 40 percent of the prescribed permit fee.

12 “(3)(a) A municipality may adopt by ordinance or regulation such fees as
13 may be necessary and reasonable to provide for the administration and
14 enforcement of any specialty code or codes for which the municipality has
15 assumed responsibility under ORS 455.148 or 455.150. A municipality shall
16 give the director notice of the proposed adoption of a new or increased fee
17 under this subsection. The municipality shall give the notice to the director
18 at the time the municipality provides the opportunity for public comment
19 under ORS 294.160 regarding the fee or, if the proposed fee is contained in
20 an estimate of municipal budget resources, at the time notice of the last
21 budget meeting is published under ORS 294.426.

22 “(b) Ten or more persons or an association with 10 or more members may
23 appeal the adoption of a fee described in this subsection to the Director of
24 the Department of Consumer and Business Services. The persons or associ-
25 ation must file the appeal no later than 60 days after the director receives
26 notice of the proposed adoption of the fee from the municipality under par-
27 agraph (a) of this subsection. However, if the municipality failed to give
28 notice to the director, an appeal may be filed with the director within one
29 year after adoption of the new or increased fee. Upon receiving a timely
30 appeal, the director shall, after notice to affected parties and hearing, review

1 the municipality's fee adoption process and the costs of administering and
2 enforcing the specialty code or codes referred to in paragraph (a) of this
3 subsection. The director shall approve the fee if the director feels the fee is
4 necessary and reasonable. If the director does not approve the fee upon ap-
5 peal, the fee is not effective. The appeal process provided in this paragraph
6 does not apply to fees that have been submitted for a vote and approved by
7 a majority of the electors voting on the question.

8 “(c) Fees collected by a municipality under this subsection shall be used
9 for the administration and enforcement of a building inspection program for
10 which the municipality has assumed responsibility under ORS 455.148 or
11 455.150.

12 “(d) For purposes of paragraph (b) of this subsection, in determining
13 whether a fee is reasonable the director shall consider whether:

14 “(A) The fee is the same amount as or closely approximates the amount
15 of the fee charged by other municipalities of a similar size and geographic
16 location for the same level of service;

17 “(B) The fee is calculated with the same or a similar calculation method
18 as the fee charged by other municipalities for the same service;

19 “(C) The fee is the same type as the fee charged by other municipalities
20 for the same level of service; and

21 “(D) The municipality, in adopting the fee, complied with ORS 294.160,
22 294.361 and 294.426 and this section and standards adopted by the director
23 under ORS 455.148 [(11)] **(12)** or 455.150 [(11)] **(12)**.

24 “(4) Notwithstanding any other provision of this chapter:

25 “(a) For the purpose of partially defraying state administrative costs,
26 there is imposed a surcharge in the amount of four percent of the total per-
27 mit fees or, if the applicant chooses to pay an hourly rate instead of pur-
28 chasing a permit, four percent of the total hourly charges collected.

29 “(b) For the purpose of partially defraying state inspection costs, there
30 is imposed a surcharge in the amount of two percent of the total permit fees

1 or, if the applicant chooses to pay an hourly rate instead of purchasing a
2 permit, two percent of the total hourly charges collected.

3 “(c) For the purpose of defraying the cost of administering and enforcing
4 the state building code, there is imposed a surcharge on permit fees and on
5 hourly charges collected instead of permit fees. The surcharge may not ex-
6 ceed one percent of the total permit fees or, if the applicant chooses to pay
7 an hourly rate instead of purchasing a permit, one percent of the total hourly
8 charges collected.

9 “(d) For the purpose of defraying the cost of developing and administering
10 the electronic building codes information system described in ORS 455.095
11 and 455.097, there is imposed a surcharge in the amount of four percent on
12 permit fees, or if the applicant chooses to pay an hourly rate instead of
13 purchasing a permit, four percent of the total hourly charges collected.

14 “(5) Municipalities shall collect and remit surcharges imposed under
15 subsection (4) of this section to the director as provided in ORS 455.220.

16 “(6) The director shall adopt administrative rules to allow reduced fees
17 for review of plans that have been previously reviewed.

18 **“SECTION 27.** ORS 455.450 is amended to read:

19 “455.450. A person may not:

20 “(1) Violate, or procure or assist in the violation of, any final order of the
21 Director of the Department of Consumer and Business Services, an advisory
22 board, a state administrative officer or any local appeals board, a building
23 official or **an** inspector, concerning the application of the state building code
24 in a particular case or concerning a license, certificate, registration or other
25 authorization.

26 “(2) Engage in, or procure or assist any other person to engage in, any
27 conduct or activity for which a permit, label, license, certificate, registration
28 or other formal authorization is required by any specialty code, any pro-
29 vision of ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 446.566
30 to 446.646, 446.666 to 446.746, 479.510 to 479.945, 479.950 and 480.510 to 480.670,

1 this chapter or ORS chapter 447, 460 or 693, or any rule adopted or order
2 issued for the administration and enforcement of those provisions, without
3 first having obtained such permit, label, license, certificate, registration or
4 other formal authorization.

5 “(3) Violate, or procure or assist in the violation of, any standard, spec-
6 ification, requirement, prohibition or other technical provision set forth in
7 the state building code or an applicable local building code or in any rule
8 or order of the Department of Consumer and Business Services, an advisory
9 board, a [local] **municipal** governing body or [local] **municipal** building of-
10 ficial.

11 **“SECTION 28.** ORS 455.485 is amended to read:

12 “455.485. (1) When adopting the state building code, the Director of the
13 Department of Consumer and Business Services shall give special consider-
14 ation to the unique needs of construction in rural or remote parts of this
15 state.

16 “(2) Notwithstanding any description of State Fire Marshal duties in ORS
17 476.030, 476.033, 476.035, 476.150 or 476.155, the Director of the Department
18 of Consumer and Business Services or a [local] **municipal** building official
19 administering a building inspection program under ORS 455.148 or 455.150
20 may determine whether the structure as set forth in the plans and specifi-
21 cations or as constructed meets the standards of the state building code, in-
22 cluding but not limited to fire and life safety standards. The State Fire
23 Marshal, or a local fire official for a governmental subdivision exempted
24 from State Fire Marshal regulations as described under ORS 476.030, may
25 provide advice to building officials, inspectors or Department of Consumer
26 and Business Services employees concerning state building code standards.
27 A [local] **municipal** building official or department employee shall give
28 consideration to advice of the State Fire Marshal or local fire official that
29 does not conflict with the state building code, but shall retain the authority
30 to make final decisions regarding the code.

1 **“SECTION 29.** ORS 455.685 is amended to read:

2 “455.685. The Director of the Department of Consumer and Business Ser-
3 vices may, upon an application setting forth a set of plans and specifications
4 that will be utilized in one or more municipalities to acquire building per-
5 mits, review and approve the application for the construction or erection of
6 any building or structure if such set of plans meets the requirements of the
7 state building code. All costs incurred by the director by virtue of the ex-
8 amination of such a set of plans and specifications shall be paid by the ap-
9 plicant. The plans and specifications or any plans and specifications required
10 to be submitted to a state agency shall be submitted to the director who shall
11 examine the instruments and if necessary distribute them to the appropriate
12 state agencies for scrutiny regarding adequacy as to fire safety, life safety
13 and all other appropriate features. The state agencies shall examine and
14 promptly return the plans and specifications together with their certified
15 statement as to the adequacy of the instruments regarding that agency’s area
16 of concern. The applicant shall submit the plans and specifications to a [*local*
17 *building official*] **municipality** prior to application for a building permit.
18 The [*local*] **municipal** building official shall [*review*] **cause the plan to be**
19 **reviewed** for those features required by local ordinance or by any site-
20 specific, geographic, geologic or climatic code requirements. A [*local building*
21 *official*] **municipality** shall issue a building permit upon application and
22 presentation to the [*local building official*] **municipality** of such a set of
23 plans and specifications bearing the approval of the director if the require-
24 ments of all other local ordinances are satisfied. The director or [*local*]
25 **municipal** building official may assess such fees as necessary to recover the
26 reasonable costs incurred to ensure the compliance of the plans and specifi-
27 cations with the state building code.

28 **“SECTION 30.** ORS 455.800 is amended to read:

29 “455.800. As used in ORS 455.800 to 455.820:

30 “(1) ‘Building official’ means a person who is a **municipal** building offi-

1 cial as defined in ORS [455.715] **455.010** or a Department of Consumer and
2 Business Services employee charged with enforcement or administration of
3 the state building code.

4 “(2) ‘Building trade committee’ means a group composed of experienced
5 and knowledgeable local general contractors or other persons having sub-
6 stantial expertise in various aspects of one and two family dwelling con-
7 struction under the Low-Rise Residential Dwelling Code.

8 “(3) ‘General contractor’ has the meaning given that term in ORS 701.005.

9 “(4) ‘Master builder’ means a person certified under ORS 455.810.

10 “(5) ‘Qualified construction company’ means a company that has been:

11 “(a) Continuously licensed by the Construction Contractors Board during
12 the preceding 60 months as a general contractor; or

13 “(b) Continuously licensed by the Construction Contractors Board during
14 at least the preceding 24 months as a general contractor and by one or more
15 other states during the balance of the preceding 60 months in an occupation
16 equivalent to that of a general contractor.

17 “(6) ‘Regular employee’ means a person who:

18 “(a) Is continuously employed by, and on the regular payroll of, a quali-
19 fied construction company;

20 “(b) Has filed a withholding exemption certificate pursuant to ORS
21 316.182 for work performed for the qualified construction company; and

22 “(c) Is available during working hours to supervise on-site dwelling con-
23 struction, including but not limited to supervising the installation of:

24 “(A) Drywall;

25 “(B) Electrical systems;

26 “(C) Footings;

27 “(D) Foundations;

28 “(E) Framing;

29 “(F) Insulation;

30 “(G) Mechanical systems;

1 “(H) Plumbing systems; and

2 “(I) Stairs.

3 “(7) ‘Whole dwelling remodel’ means a project that includes the installa-
4 tion in an existing dwelling of all of the following:

5 “(a) Drywall;

6 “(b) Electrical systems;

7 “(c) Footings;

8 “(d) Foundations;

9 “(e) Framing;

10 “(f) Insulation;

11 “(g) Mechanical systems; and

12 “(h) Plumbing systems.

13 **“SECTION 31.** ORS 455.820 is amended to read:

14 “455.820. (1) A master builder must perform all plan review and required
15 verifications for which government review or inspection has been waived by
16 a building official. The master builder shall maintain copies of all documents
17 and reports required by the government granting the waiver and provide
18 those copies to the building official.

19 “(2) When waiving government performance of plan review or required
20 inspections, a building official shall require the master builder to sign a form
21 that specifically identifies each waiver and states that the master builder
22 accepts the duty of performing the review and verifications. A master builder
23 who accepts the duty of performing a review or verification remains respon-
24 sible for that duty unless released by written and signed permission of the
25 building official. A building official may release a master builder from a re-
26 view or verification duty by a written and signed assumption of the review
27 or inspection duty by the building official or written and signed assumption
28 of the review and verification duty by another master builder.

29 “(3) A building official for a government that has a master builder pro-
30 gram:

1 “(a) Must conduct inspections of at least 10 percent of projects that are
2 built under a master builder program;

3 “(b) May revoke a waiver for a plan review or required inspection if the
4 master builder fails to properly perform, or document performance of, review
5 or verification duties; and

6 “(c) Must notify the Department of Consumer and Business Services when
7 the official revokes a waiver pursuant to paragraph (b) of this subsection.

8 “(4) When revoking a waiver, a building official shall provide the master
9 builder with a release under subsection (2) of this section from future per-
10 formance of review or verification duties. A release does not relieve a master
11 builder from liability for the failure to perform, or document performance
12 of, review or verification duties prior to the revocation of the waiver.

13 “(5) A government having a master builder program has no legal duty
14 with regard to plan review or required inspections properly waived under
15 ORS 455.815 and accepted by a master builder in a signed form described
16 under subsection (2) of this section. This subsection does not release a
17 government from a duty arising due to a waiver revocation under subsection
18 (3) of this section or an assumption under subsection (2) of this section.

19 “(6) A [*local government*] **municipality** may refuse to grant recognition
20 to a certified master builder if a waiver granted to the master builder under
21 that government’s master builder program has been revoked pursuant to
22 subsection (3)(b) of this section. If a waiver is revoked pursuant to subsection
23 (3)(b) of this section, a [*local government*] **municipality** or **municipal**
24 building official may send a recommendation to the department for action
25 against the master builder who was granted the waiver. The [*local govern-*
26 *ment*] **municipality** or **municipal** building official may also send the de-
27 partment any information supporting the recommendation.

28 “**SECTION 32.** ORS 479.530 is amended to read:

29 “479.530. As used in ORS 479.510 to 479.945 and 479.995, unless the context
30 requires otherwise:

1 “(1) ‘Approved testing laboratory’ means a testing laboratory that meets
2 criteria for electrical product evaluation established by the Director of the
3 Department of Consumer and Business Services with the approval of the
4 Electrical and Elevator Board under ORS 479.730.

5 “(2) ‘Board’ means the Electrical and Elevator Board established under
6 ORS 455.138.

7 “(3) ‘Certified electrical product’ means an electrical product that is cer-
8 tified under ORS 479.760 and that is not decertified.

9 “(4) ‘Competent inspection service’ means an electrical inspection service
10 [*of a city or county*] administered **by a municipality** under ORS 455.148 or
11 455.150 that [*employs*] **provides services through** electrical inspectors who
12 are certified to meet standards under ORS 479.810.

13 “(5) ‘Commercial electrical air conditioning equipment’ means heating,
14 cooling, refrigeration, dehumidifying, humidifying and filtering equipment
15 used for climatizing or moving of air if used in commerce, industry or gov-
16 ernment and if installed in a place not accessible to the general public other
17 than the switches regulating the operation of the equipment.

18 “(6) ‘Demarcation point’ means the place of interconnection between the
19 communications cabling, terminal equipment or protective apparatus of the
20 telecommunications service provider and the customer’s premises.

21 “(7) ‘Department’ means the Department of Consumer and Business Ser-
22 vices.

23 “(8) ‘Director’ means the Director of the Department of Consumer and
24 Business Services.

25 “(9) ‘Dwelling unit’ means one or more rooms for the use of one or more
26 persons as a housekeeping unit with space for eating, living and sleeping and
27 permanent provisions for cooking and sanitation.

28 “(10) ‘Electrical installations’ means the construction or installation of
29 electrical wiring and the permanent attachment or installation of electrical
30 products in or on any structure that is not itself an electrical product.

1 'Electrical installation' also means the maintenance or repair of installed
2 electrical wiring and permanently attached electrical products. 'Electrical
3 installation' does not include an oil module.

4 "(11) 'Electrical product' means any electrical equipment, material, device
5 or apparatus that, except as provided in ORS 479.540, requires a license or
6 permit to install and either conveys or is operated by electrical current.

7 "(12) 'Equipment' means any material, fittings, devices, appliances, fix-
8 tures, apparatus or the like that are used as part of or in connection with
9 an electrical installation.

10 "(13) 'Field evaluation firm' means an independent organization that pro-
11 vides:

12 "(a) Evaluations or testing, or both; and

13 "(b) Documentation regarding compliance with electrical product safety
14 standards and with the electrical installation safety code.

15 "(14) 'Industrial electrical equipment' means electrical products used in
16 industry or government that utilize electric energy for mechanical, chemical,
17 heating, lighting or similar purposes, that are designed to service or produce
18 a product and that are used directly in the production of the service or
19 product.

20 "(15) 'Installation label' means an adhesive tag issued by governmental
21 agencies that administer the Electrical Safety Law to licensed electrical
22 contractors for application to those minor electrical installations for which
23 the board by rule determines to be appropriate for random inspections.

24 "(16) 'License' means a permit issued by the department under ORS
25 479.630 authorizing the person whose name appears as licensee thereon to
26 act as an electrical contractor, supervising electrician, journeyman
27 electrician, electrical apprentice or limited elevator journeyman as indicated
28 thereon.

29 "(17) 'Minimum safety standards' means safety standards prescribed by
30 concurrence of the board and the director under ORS 479.730.

1 “(18) ‘Multifamily dwelling’ means a building containing more than one
2 dwelling unit.

3 “(19) ‘Oil module’ means a prefabricated structure manufactured to the
4 specifications of the purchaser and used outside this state in the exploration
5 for or processing or extraction of petroleum products.

6 “(20) ‘Permit’ means an official document or card issued by the enforcing
7 agency to authorize performance of a specified electrical installation.

8 “(21) ‘Single family dwelling’ means a building consisting solely of one
9 dwelling unit.

10 “(22) ‘Telecommunications service provider’ means a telecommunications
11 carrier as defined in ORS 133.721 or a telecommunications utility or com-
12 petitive telecommunications provider, both as defined in ORS 759.005.

13 “(23) ‘Uncertified product’ means any electrical product that is not an
14 electrical product certified under ORS 479.760.

15 **“SECTION 33.** ORS 693.115 is amended to read:

16 “693.115. (1) The State Plumbing Board is established in the Department
17 of Consumer and Business Services, consisting of seven members appointed
18 by the Governor. The appointment of a member of the board is subject to
19 confirmation by the Senate pursuant to section 4, Article III of the Oregon
20 Constitution.

21 “(2) The members of the board shall be as follows:

22 “(a) One journeyman plumber with 10 or more years’ experience in the
23 trade or calling of journeyman plumber;

24 “(b) One licensed plumbing contractor;

25 “(c) One [*local*] **municipal** plumbing inspector who is a journeyman
26 plumber;

27 “(d) One registered professional mechanical engineer;

28 “(e) One officer or employee of the Oregon Health Authority;

29 “(f) One plumbing equipment supplier who otherwise qualifies by experi-
30 ence in the industry or one building official; and

1 building officials after July 1, 2020, who do not meet the applicable
2 definitions under ORS 455.010, the director shall treat the action as an
3 abandonment of the program for purposes of ORS chapter 455 and
4 shall transfer administration and enforcement of the building in-
5 spection program to the county or counties where the city is located.

6
7 **“VALIDATION OF PAST ACTIONS**

8
9 **“SECTION 36.** The Legislative Assembly hereby ratifies and declares
10 valid any action taken by a building inspector or building official as
11 part of the administration and enforcement of a building inspection
12 program on behalf of a municipality that would have been a lawful
13 action if performed by the Department of Consumer and Business
14 Services as part of administering and enforcing a building inspection
15 program.

16
17 **“UNIT CAPTIONS**

18
19 **“SECTION 37.** The unit captions used in this 2019 Act are provided
20 only for the convenience of the reader and do not become part of the
21 statutory law of this state or express any legislative intent in the
22 enactment of this 2019 Act.

23
24 **“OPERATIVE DATE**

25
26 **“SECTION 38.** The amendments to ORS 215.236, 446.250, 446.255,
27 447.091, 450.837, 455.042, 455.046, 455.062, 455.070, 455.080, 455.148, 455.150,
28 455.200, 455.210, 455.450, 455.485, 455.685, 455.800, 455.820, 479.530 and
29 693.115 by sections 12, 13 and 15 to 33 of this 2019 Act become operative
30 on July 1, 2021.

