

Requested by Representative HOLVEY

**PROPOSED AMENDMENTS TO
SENATE BILL 866**

1 On page 1 of the printed bill, line 2, after the second semicolon delete the
2 rest of the line and line 3 and insert; “amending ORS 215.236, 446.250,
3 446.255, 447.091, 450.837, 455.010, 455.042, 455.046, 455.062, 455.070, 455.080,
4 455.148, 455.150, 455.200, 455.210, 455.450, 455.475, 455.485, 455.685, 455.715,
5 455.720, 455.723, 455.730, 455.732, 455.737, 455.740, 455.800, 455.820, 479.530 and
6 693.115; and declaring an emergency.”.

7 Delete lines 5 through 30 and delete pages 2 through 13 and insert:

8

9

“GENERAL DEFINITIONS

10

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

12 “455.010. As used in this chapter, unless the context requires otherwise:

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

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

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

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

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

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

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

2 “(G) The Construction Industry Energy Board established under ORS
3 455.492.

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

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

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

10 “(4) ‘Low-Rise Residential Dwelling Code’ means the adopted specialty
11 code that, subject to section 2, chapter 401, Oregon Laws 2019, prescribes
12 standards for the construction of residential dwellings that are three stories
13 or less above grade and have an exterior door for each dwelling unit, but
14 are not facilities or homes described in ORS 443.400 or transient lodging.

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

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

19 **“(b) A person employed under an intergovernmental agreement or
20 by a council of governments to carry out that responsibility for any
21 number of municipalities, provided that:**

22 **“(A) The municipalities are contained within a geographic area that
23 does not exceed three adjacent counties; and**

24 **“(B) The department determines by rule that the municipalities can
25 be reasonably served by the person on a timely basis.**

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

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

30 **“(b) A person employed under an intergovernmental agreement or**

1 **by a council of governments or acting as an independent contractor**
2 **exercising actual or apparent authority under the contract to perform**
3 **that routine enforcement in any number of municipalities, provided**
4 **that:**

5 **“(A) The municipalities are contained within a geographic area that**
6 **does not exceed three adjacent counties; and**

7 **“(B) The department determines by rule that the municipalities can**
8 **be reasonably served by the person on a timely basis.**

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

11 “[6] (8) ‘Prefabricated structure’:

12 “(a) Means a building or subassembly that has been in whole or sub-
13 stantial part manufactured or assembled using closed construction at an
14 off-site location to be wholly or partially assembled on-site.

15 “(b) Does not mean a manufactured dwelling or a small home as defined
16 in section 2, chapter 401, Oregon Laws 2019.

17 “[7] (9) ‘Small Home Specialty Code’ means the specialty code adopted
18 under section 2, chapter 401, Oregon Laws 2019.

19 “[8] (10) ‘Specialty code’:

20 “(a) Means a code of regulations adopted under ORS 446.062, 446.185,
21 447.020 (2), 455.020 (2), 455.496, 455.610, 455.680, 460.085, 460.360, 479.730 (1)
22 or 480.545 or section 2, chapter 401, Oregon Laws 2019.

23 “(b) Does not mean regulations adopted by the State Fire Marshal pur-
24 suant to ORS chapter 476 or ORS 479.015 to 479.200 and 479.210 to 479.220.

25 “[9] (11) ‘State building code’ means the combined specialty codes.

26 “[10] (12) ‘Structural code’ means the specialty code prescribing struc-
27 tural standards for building construction.

28 “[11] (13) ‘Unsafe condition’ means a condition caused by earthquake
29 which is determined by the department or any representative of the depart-
30 ment to be dangerous to life and property. ‘Unsafe condition’ includes but

1 is not limited to:

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

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

9 **“SECTION 2.** ORS 455.010, as amended by section 10, chapter 401, Oregon
10 Laws 2019, is amended to read:

11 “455.010. As used in this chapter, unless the context requires otherwise:

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

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

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

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

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

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

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

22 “(G) The Construction Industry Energy Board established under ORS
23 455.492.

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

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

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

30 “(4) ‘Low-Rise Residential Dwelling Code’ means the adopted specialty

1 code prescribing standards for the construction of residential dwellings that
2 are three stories or less above grade and have an exterior door for each
3 dwelling unit, but are not facilities or homes described in ORS 443.400 or
4 transient lodging.

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

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

9 **“(b) A person employed under an intergovernmental agreement or**
10 **by a council of governments to carry out that responsibility for any**
11 **number of municipalities, provided that:**

12 **“(A) The municipalities are contained within a geographic area that**
13 **does not exceed three adjacent counties; and**

14 **“(B) The department determines by rule that the municipalities can**
15 **be reasonably served by the person on a timely basis.**

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

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

20 **“(b) A person employed under an intergovernmental agreement or**
21 **by a council of governments or acting as an independent contractor**
22 **exercising actual or apparent authority under the contract to perform**
23 **that routine enforcement in any number of municipalities, provided**
24 **that:**

25 **“(A) The municipalities are contained within a geographic area that**
26 **does not exceed three adjacent counties; and**

27 **“(B) The department determines by rule that the municipalities can**
28 **be reasonably served by the person on a timely basis.**

29 **“[(5)] (7) ‘Municipality’ means a city, county or other unit of local gov-**
30 **ernment otherwise authorized by law to administer a building code.**

1 “[6] (8) ‘Prefabricated structure’:

2 “(a) Means a building or subassembly that has been in whole or sub-
3 stantial part manufactured or assembled using closed construction at an
4 off-site location to be wholly or partially assembled on-site.

5 “(b) Does not mean a manufactured dwelling.

6 “[7] (9) ‘Specialty code’:

7 “(a) Means a code of regulations adopted under ORS 446.062, 446.185,
8 447.020 (2), 455.020 (2), 455.496, 455.610, 455.680, 460.085, 460.360, 479.730 (1)
9 or 480.545.

10 “(b) Does not mean regulations adopted by the State Fire Marshal pur-
11 suant to ORS chapter 476 or ORS 479.015 to 479.200 and 479.210 to 479.220.

12 “[8] (10) ‘State building code’ means the combined specialty codes.

13 “[9] (11) ‘Structural code’ means the specialty code prescribing struc-
14 tural standards for building construction.

15 “[10] (12) ‘Unsafe condition’ means a condition caused by earthquake
16 which is determined by the department or any representative of the depart-
17 ment to be dangerous to life and property. ‘Unsafe condition’ includes but
18 is not limited to:

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

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

26

27 **“BUILDING OFFICIAL AND INSPECTOR QUALIFICATIONS**

28

29 **“SECTION 3. (1) Except as provided in subsection (2) of this section,**
30 **a municipal building official serving a municipality that administers**

1 and enforces a building inspection program under ORS 455.148 or
2 455.150 must:

3 “(a) Hold a valid certificate as an A-level inspector or A-level plan
4 examiner issued by the Department of Consumer and Business Ser-
5 vices or an equivalent certificate issued by a national organization
6 recognized by the Director of the Department of Consumer and Busi-
7 ness Services by rule; and

8 “(b) Have:

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

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

13 “(C) A bachelor’s degree or higher degree in architecture.

14 “(2) A person who does not meet the requirements under subsection
15 (1) of this section may serve as a municipal building official for a
16 municipality if the municipality employs a lead municipal inspector
17 who possesses some of the qualifications described in subsection (1)
18 of this section as specified in department rules.

19 “SECTION 4. ORS 455.715 is amended to read:

20 “455.715. As used in ORS 455.715 to 455.740, unless the context otherwise
21 requires:

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

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

29 “(a) Structural;

30 “(b) Mechanical;

1 “(c) Plumbing;

2 “(d) Electrical; *[and]* **or**

3 “(e) Low-rise residential dwelling.

4 “(3) ‘Inspector’ means:

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

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

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

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

20 “(e) A person designated by the Director of the Department of Consumer
21 and Business Services to ensure compliance with a specialty code or with
22 any requirement for a license, registration, certification, endorsement or
23 other authorization to perform work *[related to the administration and*
24 *enforcement of]* **regulated under** the state building code.

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

26 “455.720. (1) In accordance with applicable provisions of ORS chapter 183,
27 to promote effective and uniform enforcement of the state building code by
28 improving the competence of building officials and inspectors, the Director
29 of the Department of Consumer and Business Services, with the advice of the
30 advisory boards, shall:

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

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

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

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

19 “(2) The director shall maintain and, upon request of [*municipalities, fur-*
20 *nish information on applicants for appointment or employment as building of-*
21 *icials or inspectors.*] **a municipality, furnish information on candidates**
22 **for the provision of municipal building official services, or municipal**
23 **inspector services, to the municipality.**

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

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

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

6 **“SECTION 6.** ORS 455.723 is amended to read:

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

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

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

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

19 “(d) The [*portions*] **parts** of various specialty codes that each program
20 will enable a qualifying individual to enforce and any terms, conditions or
21 classifications applicable for that enforcement; and

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

24 “(2) Notwithstanding ORS 446.250, 455.630, 455.720, 455.725, 479.530,
25 479.810 and 479.855, the director may issue or cause to be issued a certificate
26 as a specialized building inspector to an individual who successfully com-
27 pletes an approved training program and satisfies qualification verification
28 under this section. **A specialized building inspector may be trained and**
29 **certified in parts of more than one specialty code.**

30 “(3) An individual certified as a specialized building inspector under this

1 section may conduct inspections and enforce [*portions*] **parts** of specialty
2 codes under ORS 479.510 to 479.945 and 479.950 and this chapter and ORS
3 chapters 446, 447 and 693 as identified by the director. The enforcement of
4 [*portions*] **parts** of specialty codes by a specialized building inspector is
5 subject to any terms, conditions or classifications applicable to that
6 enforcement established by the director by rule.”.

7 **“SECTION 7.** ORS 455.730 is amended to read:

8 “455.730. [*No person shall be appointed or employed as a building official*
9 *or inspector by any municipality*] **A municipality may not accept municipi-**
10 **pal building official or municipal inspector services from a person un-**
11 **less the person has been certified as being qualified under ORS 455.715 to**
12 **455.740, and the certification has not lapsed or been revoked.**

13 **“SECTION 8.** ORS 455.732 is amended to read:

14 “455.732. (1) As used in this section, ‘building code administrative
15 region’ means a region established by the Director of the Department of
16 Consumer and Business Services under ORS 455.042 for the uniform admin-
17 istration of the state building code.

18 “(2) The authority of the director under **this section and** ORS 455.720
19 and 455.723 to specify terms, conditions and classifications for the certifica-
20 tion of inspectors includes the authority to certify an inspector to perform
21 inspections under multiple specialty codes or parts of a specialty code.

22 “(3) The director may provide for an inspector who is likely to be em-
23 ployed within a specific building code administrative region to be certified
24 to perform inspections throughout a building code administrative region,
25 whether within or outside of a municipality. The director may recognize any
26 training program certified by the director under ORS 455.723 or 455.725 for
27 purposes of certifying an inspector to perform inspections throughout a
28 building code administrative region. This subsection does not require a
29 municipality administering and enforcing a building inspection program un-
30 der ORS 455.148 or 455.150 to allow an inspector certified under this sub-

1 section who is not [*employed by*] **an employee of** the municipality to perform
2 building inspections on behalf of the municipality.

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

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

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

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

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

20 **“SECTION 9.** ORS 455.737 is amended to read:

21 “455.737. (1) Notwithstanding ORS 455.720 (1), the Director of the De-
22 partment of Consumer and Business Services, by rule, shall adopt criteria for
23 review of the experience and training in building inspection and building
24 plan review acquired by a person outside the State of Oregon. The criteria
25 shall be adopted in a manner that facilitates review of a person’s qualifica-
26 tions by a [*local*] **municipal** building official.

27 “(2)(a) A [*local*] **municipal** building official who wishes to [*employ*] **use**
28 **the services of** a person who is not certified under ORS 455.735 as an in-
29 spector shall submit the person’s qualifications to the director. The director
30 shall review the stated qualifications against the criteria adopted under

1 subsection (1) of this section, including verification of experience and train-
2 ing. The director shall respond to the [*local*] **municipal** building official in
3 writing within 10 working days of receiving the applicant’s qualifications,
4 stating whether the person meets the applicable criteria.

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

9 **“SECTION 10.** ORS 455.740 is amended to read:

10 “455.740. (1) Subject to ORS chapter 183, the Director of the Department
11 of Consumer and Business Services may deny, condition, suspend, revoke or
12 refuse to renew a certificate of a building official or inspector if the director
13 finds that the building official or inspector has:

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

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

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

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

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

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

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

1 discretion of the municipality.

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

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

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

7

8 **“MUNICIPAL BUILDING INSPECTION PROGRAMS**

9

10 **“SECTION 11. (1) If a municipal building official makes a building**
11 **inspection program decision that is adverse to a party, and the deci-**
12 **sion is not a code interpretation, a ruling on design or materials, or**
13 **a ruling on other technical or scientific issues reserved by law for de-**
14 **termination by the Director of the Department of Consumer and**
15 **Business Services, the Department of Consumer and Business Ser-**
16 **vices, a chief specialty code inspector or an advisory board, the**
17 **municipality shall provide an administrative process for appealing the**
18 **decision.**

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

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

22 **“(b) Describe the means and the deadline for informing the**
23 **municipality that the party is appealing the decision.**

24 **“(3) The municipal administrative process must:**

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

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

29 **“(4) If a municipal inspector makes a determination that is adverse**
30 **to a party, and after receiving a request for review from the adversely**

1 affected party the municipal building official fails to timely review the
2 municipal inspector’s determination and issue a decision, the munici-
3 pality shall treat the failure as a municipal building official decision
4 affirming the municipal inspector and provide the party a reasonable
5 opportunity to use the municipal administrative process to appeal.

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

10 “SECTION 12. A person, regardless of how employed, who performs
11 plan review, building inspection services or building official services
12 for a municipality is a public official for the purposes of ORS chapter
13 244.

14 “SECTION 13. ORS 455.148 is amended to read:

15 “455.148. (1)(a) A municipality that assumes the administration and
16 enforcement of a building inspection program shall administer and enforce
17 the program for all of the following:

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

20 “(B) Manufactured dwelling installation requirements under ORS 446.155,
21 446.185 (1) and 446.230.

22 “(C) Manufactured dwelling parks and mobile home parks under ORS
23 chapter 446.

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

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

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

27 “(G) Accessory buildings or structures under ORS 446.253.

28 “(H) Boilers and pressure vessels described in rules adopted under ORS
29 480.525 (5).

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

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

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

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

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

6 “(E) Manufacture of manufactured dwelling programs under ORS 446.155
7 to 446.285, including the administration and enforcement of federal manu-
8 factured dwelling construction and safety standards adopted under ORS
9 446.155 or the National Manufactured Housing Construction and Safety
10 Standards Act of 1974;

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

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

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

19 “(3)(a) When a municipality administers a building inspection program,
20 the governing body of the municipality shall[, *unless other means are already*
21 *provided, appoint a person to administer and enforce the building inspection*
22 *program, who shall be known as the building official. A building official*
23 *shall, in the municipality for which appointed, attend to all aspects of code*
24 *enforcement, including the issuance of all building permits. Two or more*
25 *municipalities may combine in the appointment of a single building official for*
26 *the purpose of administering a building inspection program within their com-*
27 *munities.*] **arrange for the services of a municipal building official, and**
28 **if necessary a lead municipal inspector, in accordance with section 3**
29 **of this 2021 Act.**

30 “(b) **Except as provided in this subsection, the municipal building**

1 **official shall be responsible for ensuring the adequate and proper ad-**
2 **ministration and enforcement of building inspection program activ-**
3 **ities, including but not limited to the issuance of building permits. The**
4 **municipal building official shall provide supervision for municipal in-**
5 **spectors.**

6 “(4)(a) By January 1 of the year preceding the expiration of the four-year
7 period described in subsection (2) of this section, the governing body of the
8 municipality shall notify the Director of the Department of Consumer and
9 Business Services and, if the municipality is not a county, notify the county
10 whether the municipality will continue to administer and enforce the build-
11 ing inspection program after expiration of the four-year period.

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

16 “(5) If a city does not notify the director, or notifies the director that it
17 will not administer the building inspection program, the county or counties
18 in which the city is located shall administer and enforce the county program
19 within the city in the same manner as the program is administered and en-
20 forced outside the city, except 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 a building inspection program, the director
23 shall contract with a municipality or other person or use such state em-
24 ployees or state agencies as are necessary to administer and enforce a
25 building inspection program, and permit or other fees arising therefrom shall
26 be paid into the Consumer and Business Services Fund created by ORS
27 705.145 and credited to the account responsible for paying the expenses
28 thereof. A state employee may not be displaced as a result of using contract
29 personnel.

30 “(7) The governing body of a municipality may commence responsibility

1 for the administration and enforcement of a building inspection program be-
2 ginning July 1 of any year by notifying the director no later than January
3 1 of the same year and obtaining the director's approval of an assumption
4 plan as described in subsection [(11)(c)] **(12)(c)** of this section.

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

13 **“(9) A municipal inspector who is not an employee of the municipi-**
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 and enforces a building in-
19 spection program pursuant to this section shall recognize and accept the
20 performances of state building code activities by businesses and persons au-
21 thorized under ORS 455.457 to perform the activities as if the activities were
22 performed by the municipality. A municipality is not required to accept an
23 inspection, a plan or a plan review that does not meet the requirements of
24 the state building code.

25 “[10] **(11)** The department or a municipality that accepts an inspection
26 or plan review as required by this section by a person licensed under ORS
27 455.457 has no responsibility or liability for the activities of the licensee.

28 “[11] **(12)** In addition to the requirements of ORS 455.100 and 455.110,
29 the director shall regulate building inspection programs that municipalities
30 assume on or after January 1, 2002. Regulation under this subsection shall

1 include but not be limited to:

2 “(a) Creating building inspection program application and amendment
3 requirements and procedures;

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

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

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

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

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

16 “(D) Proposed staffing levels; and

17 “(E) Proposed service levels;

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

19 “(e) Creating standards for efficient, effective, timely and acceptable
20 building inspection programs;

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

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

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

29 “[~~(12)~~] **(13)** The department may assume administration and enforcement
30 of a building inspection program:

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

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

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

6 “[~~(13)~~] (14) If the department assumes the administration and enforcement
7 of a building inspection program under this section, in addition to any other
8 power granted to the director, the director may:

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

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

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

18 “[~~(14)~~] (15) A municipality that abandons or otherwise ceases to adminis-
19 ter and enforce a building inspection program that the municipality assumed
20 under this section may not resume the administration or enforcement of the
21 program for at least two years. The municipality may resume the adminis-
22 tration and enforcement of the abandoned program only on July 1 of an
23 odd-numbered year. Prior to resuming the administration and enforcement
24 of the program, the municipality must follow the notification procedure set
25 forth in subsection (7) of this section.

26 “**SECTION 14.** ORS 455.150 is amended to read:

27 “455.150. (1) Except as provided in subsection [~~(15)~~] (16) of this section,
28 a municipality that assumes the administration and enforcement of a build-
29 ing inspection program prior to January 1, 2002, may administer and enforce
30 all or part of a building inspection program. A building inspection program:

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

2 “(A) The state building code, as defined in ORS 455.010, except as set

3 forth in paragraph (b) of this subsection.

4 “(B) Manufactured dwelling installation requirements under ORS 446.155,

5 446.185 (1) and 446.230.

6 “(C) Manufactured dwelling parks and mobile home parks under ORS

7 chapter 446.

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

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

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

11 “(G) Accessory buildings or structures under ORS 446.253.

12 “(H) Boilers and pressure vessels described in rules adopted under ORS

13 480.525 (5).

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

15 “(A) Boiler and pressure vessel programs under ORS 480.510 to 480.670

16 except those described in rules adopted under ORS 480.525 (5);

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

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

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

20 “(E) Manufacture of manufactured dwelling programs under ORS 446.155

21 to 446.285, including the administration and enforcement of federal manu-

22 factured dwelling construction and safety standards adopted under ORS

23 446.155 or the National Manufactured Housing Construction and Safety

24 Standards Act of 1974;

25 “(F) Licensing and certification, or the adoption of statewide codes and

26 standards, under ORS chapter 446, 447, 455, 479 or 693; and

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

28 “(2) A municipality that administers a building inspection program as

29 allowed under this section shall do so for periods of four years. The De-

30 partment of Consumer and Business Services shall adopt rules to adjust time

1 periods for administration of a building inspection program to allow for
2 variations in the needs of the department and participants.

3 “(3)(a) When a municipality administers a building inspection program,
4 the governing body of the municipality shall[, *unless other means are already*
5 *provided, appoint a person to administer and enforce the building inspection*
6 *program or parts thereof, who shall be known as the building official. A*
7 *building official shall, in the municipality for which appointed, attend to all*
8 *aspects of code enforcement, including the issuance of all building permits.*
9 *Two or more municipalities may combine in the appointment of a single*
10 *building official for the purpose of administering a building inspection pro-*
11 *gram within their communities.] **arrange for the services of a municipal***
12 **building official, and if necessary a lead municipal inspector, in ac-**
13 **cordance with section 3 of this 2021 Act.**

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

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

29 “(b) Notwithstanding the January 1 date set forth in paragraph (a) of this
30 subsection, the director and the municipality and, if the municipality is not

1 a county, the county may by agreement extend that date to no later than
2 March 1.

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

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

18 “(7) If a municipality administering a building inspection program under
19 this section seeks to administer additional parts of a program, the munici-
20 pality must comply with ORS 455.148, including the requirement that the
21 municipality administer and enforce all aspects of the building inspection
22 program. Thereafter, the municipality is subject to ORS 455.148 and ceases
23 to be subject to this section.

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

1 **“(9) A municipal inspector who is not an employee of the municipi-**
2 **palty shall, subject to the approval of the municipal building official,**
3 **establish the resources used or needed for the municipal inspector to**
4 **perform routine enforcement services and establish the method by**
5 **which the enforcement services are to be performed.**

6 ~~“(9)~~ **(10)** A municipality that administers a code for which persons or
7 businesses are authorized under ORS 455.457 to perform activities shall rec-
8 ognize and accept those activities as if performed by the municipality. A
9 municipality is not required to accept an inspection, a plan or a plan review
10 that does not meet the requirements of the state building code.

11 ~~“(10)~~ **(11)** The department or a municipality that accepts an inspection
12 or plan review as required by this section by a person licensed under ORS
13 455.457 has no responsibility or liability for the activities of the licensee.

14 ~~“(11)~~ **(12)** In addition to the requirements of ORS 455.100 and 455.110,
15 the director shall regulate building inspection programs of municipalities
16 assumed prior to January 1, 2002. Regulation under this subsection shall
17 include but not be limited to:

18 “(a) Creating building inspection program application and amendment
19 requirements and procedures;

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

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

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

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

27 “(f) Creating standards for determining whether a county or department
28 building inspection program is economically impaired in its ability to rea-
29 sonably continue providing the program or part of the program throughout
30 a county, if another municipality is allowed to provide a building inspection

1 program or part of a program within the same county; and

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

3 “[~~(12)~~] **(13)** The department may assume administration and enforcement
4 of a building inspection program:

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

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

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

10 “[~~(13)~~] **(14)** If the department assumes the administration and enforcement
11 of a building inspection program under this section, in addition to any other
12 power granted to the director, the director may:

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

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

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

22 “[~~(14)~~] **(15)** If a municipality abandons or otherwise ceases to administer
23 all or part of a building inspection program described in this section, the
24 municipality may not resume the administration and enforcement of the
25 abandoned program or part of a program for at least two years. The
26 municipality may resume the administration and enforcement of the aban-
27 doned program or part of a program only on July 1 of an odd-numbered year.
28 To resume the administration and enforcement of the abandoned program or
29 part of a program, the municipality must comply with ORS 455.148, including
30 the requirement that the municipality administer and enforce all aspects of

1 the building inspection program. Thereafter, the municipality is subject to
2 ORS 455.148 and ceases to be subject to this section.

3 “[~~(15)~~] (16) A municipality that administers and enforces a building in-
4 spection program under this section shall include in the program the in-
5 spection of boilers and pressure vessels described in subsection (1)(a)(H) of
6 this section.

7 **“SECTION 15.** ORS 455.475 is amended to read:

8 “455.475. (1) An applicant for a building permit may appeal a decision
9 made by a building official under authority established pursuant to ORS
10 455.148, 455.150 or 455.467. The following apply to an appeal under this sub-
11 section:

12 “(a) An appeal regarding the interpretation or application of a particular
13 specialty code provision shall be made first to the appropriate specialty code
14 chief inspector of the Department of Consumer and Business Services. The
15 decision of the department chief inspector may be appealed to the appropri-
16 ate advisory board. The decision of the advisory board may only be appealed
17 to the Director of the Department of Consumer and Business Services if
18 codes in addition to the applicable specialty code are at issue.

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

28 “(2) Except as provided in subsection (1) of this section **or section 11 of**
29 **this 2021 Act**, an applicant for a building permit may appeal the decision
30 of a building official on any matter relating to the administration and

1 enforcement of this chapter to the department. The appeal must be in writ-
2 ing. A decision by the department on an appeal filed under this subsection
3 is subject to judicial review as provided in ORS 183.484.

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

7

8

“CONFORMING AMENDMENTS

9

10 “**SECTION 16.** ORS 215.236 is amended to read:

11 “215.236. (1) As used in this section, ‘dwelling’ means a single-family res-
12 idential dwelling not provided in conjunction with farm use.

13 “(2) The governing body or its designee may not grant final approval of
14 an application made under ORS 215.213 (3) or 215.284 (1), (2), (3), (4) or (7)
15 for the establishment of a dwelling on a lot or parcel in an exclusive farm
16 use zone that is, or has been, receiving special assessment without evidence
17 that the lot or parcel upon which the dwelling is proposed has been dis-
18 qualified for special assessment at value for farm use under ORS 308A.050
19 to 308A.128 or other special assessment under ORS 308A.315, 321.257 to
20 321.390, 321.700 to 321.754 or 321.805 to 321.855 and any additional tax im-
21 posed as the result of disqualification has been paid.

22 “(3) The governing body or its designee may grant tentative approval of
23 an application made under ORS 215.213 (3) or 215.284 (1), (2), (3), (4) or (7)
24 for the establishment of a dwelling on a lot or parcel in an exclusive farm
25 use zone that is specially assessed at value for farm use under ORS 308A.050
26 to 308A.128 upon making the findings required by ORS 215.213 (3) or 215.284
27 (1), (2), (3), (4) or (7). An application for the establishment of a dwelling that
28 has been tentatively approved shall be given final approval by the governing
29 body or its designee upon receipt of evidence that the lot or parcel upon
30 which establishment of the dwelling is proposed has been disqualified for

1 special assessment at value for farm use under ORS 308A.050 to 308A.128 or
2 other special assessment under ORS 308A.315, 321.257 to 321.390, 321.700 to
3 321.754 or 321.805 to 321.855 and any additional tax imposed as the result of
4 disqualification has been paid.

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

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

11 “(b) Request that the county assessor disqualify the lot or parcel from
12 special assessment under ORS 308A.050 to 308A.128, 308A.315, 321.257 to
13 321.390, 321.700 to 321.754 or 321.805 to 321.855; and

14 “(c) Pay any additional tax imposed upon disqualification from special
15 assessment.

16 “(5) Except as provided in subsection (6) of this section, a lot or parcel
17 that has been disqualified pursuant to subsection (4) of this section may not
18 requalify for special assessment unless, when combined with another contig-
19 uous lot or parcel, it constitutes a qualifying parcel.

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

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

29 “(7) When the owner of a lot or parcel upon which the establishment of
30 a dwelling has been tentatively approved notifies the county assessor that

1 the lot or parcel is no longer being used as farmland and requests disquali-
2 fication of the lot or parcel for special assessment at value for farm use, the
3 county assessor shall:

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

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

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

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

19 “**SECTION 17.** ORS 446.250 is amended to read:

20 “446.250. The Director of the Department of Consumer and Business Ser-
21 vices shall cause inspections to be made, approve plans and specifications,
22 provide technical services and issue permits for alteration of manufactured
23 dwellings, for installation of manufactured dwellings or accessory buildings
24 or structures on a lot and for alterations of plumbing, heating, illuminating,
25 cooking or electrical equipment installations. The director shall appoint or
26 contract with municipalities that request such appointment or contract for
27 inspection and issuance of permits for manufactured dwelling alterations, for
28 installations of manufactured dwellings or accessory buildings or structures
29 and for alterations of plumbing, heating, illuminating, cooking or electrical
30 equipment installations, if the [*municipality employs as local*] **municipal** in-

1 spectors **are** qualified persons who have been certified by the director for
2 inspection and issuance of permits for manufactured dwelling alterations, for
3 installations of manufactured dwellings or accessory buildings or structures
4 and for alterations of plumbing, heating, illuminating, cooking or electrical
5 equipment installations under ORS 446.003, 446.111, 446.155, 446.160, 446.176,
6 446.225 to 446.285 and 446.990. Certification standards under this section
7 shall relate to the inspections to be performed and shall not be more strin-
8 gent for municipal inspectors than those applying to state inspectors.

9 **“SECTION 18.** ORS 446.255 is amended to read:

10 “446.255. (1) After written notice and hearing as provided in subsection
11 (2) of this section, the Director of the Department of Consumer and Business
12 Services may revoke the certification of a [*local*] **municipal** inspector certi-
13 fied under ORS 446.250, or the authority of a [*local government*] **municipi-**
14 **pality** to enforce provisions of ORS 446.003, 446.111, 446.160, 446.176, 446.225
15 to 446.285 and 446.990, [*when*] **if** it appears by competent evidence that the
16 inspector or [*local government*] **municipality** has consistently failed to act
17 in the public interest in the enforcement of the provisions of ORS 446.003,
18 446.111, 446.160, 446.176, 446.225 to 446.285 and 446.990.

19 “(2) Any proceedings under subsection (1) of this section shall be con-
20 ducted pursuant to the provisions of ORS 183.415 to 183.430, 183.440 to
21 183.460, 183.470 to 183.485 and 183.490 to 183.540, dealing with contested
22 cases.

23 **“SECTION 19.** ORS 447.091 is amended to read:

24 “447.091. The Department of Consumer and Business Services or local
25 government administering the plumbing specialty code adopted under ORS
26 447.020 (2) may, upon request of any sanitary district formed pursuant to
27 ORS 450.005 to 450.245, sanitary authority established under ORS 450.600 to
28 450.989, or county service district established under ORS 451.410 to 451.610,
29 contract for [*the*] **district** inspection of building sewers constructed to con-
30 nect a district sewage system if inspectors [*employed by such*] **for the** district

1 are certified for sewer inspections under ORS 455.715 to 455.740.

2 **“SECTION 20.** ORS 450.837 is amended to read:

3 “450.837. (1) Water authorities and sanitary authorities are municipalities
4 for the purposes of administering and enforcing the plumbing code as pro-
5 vided under ORS 455.150.

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

14 “(3) Nothing in this section authorizes a **municipal** building official or
15 **municipal** inspector [*of*] **for** a water authority or sanitary authority to ad-
16 minister or enforce all or part of any specialty code except the plumbing
17 code.

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

22 **“SECTION 21.** ORS 455.042 is amended to read:

23 “455.042. The Director of the Department of Consumer and Business Ser-
24 vices shall establish regions for all areas of the state to carry out the uni-
25 form administration of the state building code. The director shall assign
26 Department of Consumer and Business Services employees for the regions
27 as necessary to:

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

29 “(2) Resolve disputes between [*local*] **municipal** building officials and
30 contractors or developers regarding the application of one or more provisions

1 of the state building code; and

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

6 **“SECTION 22.** ORS 455.046 is amended to read:

7 “455.046. (1) The Department of Consumer and Business Services shall:

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

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

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

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

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

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

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

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

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

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

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

3 **“SECTION 23.** ORS 455.062 is amended to read:

4 “455.062. (1) A Department of Consumer and Business Services employee
5 acting within the scope of that employment may provide typical drawings
6 and specifications:

7 “(a) For structures of a type for which the provision of drawings or
8 specifications is exempted under ORS 671.030 from the application of ORS
9 671.010 to 671.220 and exempted under ORS 672.060 from the registration re-
10 quirements of ORS 672.002 to 672.325; and

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

14 “(2) A Department of Consumer and Business Services employee, who is
15 licensed or registered under ORS 671.010 to 671.220 or 672.002 to 672.325, who
16 is acting within the scope of that employment and who is providing typical
17 drawings and specifications under subsection (1) of this section, is not re-
18 quired to seal or sign the typical drawings and specifications and is not
19 subject to disciplinary action under ORS 671.010 to 671.220 or 672.002 to
20 672.325 based on providing those typical drawings and specifications.

21 “(3) A **municipal** building official [*or inspector, as those terms are defined*
22 *in ORS 455.715, when*], **if** acting within the scope of direct employment by
23 a municipality, may provide typical drawings or specifications for structures
24 of a type for which the provision of drawings or specifications is exempted
25 under ORS 671.030 from the application of ORS 671.010 to 671.220 and ex-
26 empted under ORS 672.060 from the registration requirements of ORS 672.002
27 to 672.325. This subsection does not alter any applicable requirement under
28 ORS 671.010 to 671.220 or 672.002 to 672.325 regarding stamps and seals for
29 a set of plans for a structure.

30 **“SECTION 24.** ORS 455.070 is amended to read:

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

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

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

26 “**SECTION 25.** ORS 455.080 is amended to read:

27 “455.080. Notwithstanding ORS 455.630 (2), any inspector, including a
28 specialty code inspector licensed under ORS 455.457, authorized by ORS
29 **455.148**, 455.150 or 455.153 to determine compliance with the requirements
30 of the state building code or any specialty code under this chapter may, in

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

6 **“SECTION 26.** ORS 455.200 is amended to read:

7 “455.200. The Director of the Department of Consumer and Business Ser-
8 vices:

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

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

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

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

26 “455.210. (1) Fees shall be prescribed as required by ORS 455.020 for plan
27 review and permits issued by the Department of Consumer and Business
28 Services for the construction, reconstruction, alteration and repair of pre-
29 fabricated structures and of buildings and other structures and the installa-
30 tion of mechanical heating and ventilating devices and equipment. The fees

1 may not exceed 130 percent of the fee schedule printed in the ‘Uniform
2 Building Code,’ 1979 Edition, and in the ‘Uniform Mechanical Code,’ 1979
3 Edition, both published by the International Conference of Building Officials.
4 Fees are not effective until approved by the Oregon Department of Admin-
5 istrative Services.

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

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

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

1 subsection. The director shall approve the fee if the director feels the fee is
2 necessary and reasonable. If the director does not approve the fee upon ap-
3 peal, the fee is not effective. The appeal process provided in this paragraph
4 does not apply to fees that have been submitted for a vote and approved by
5 a majority of the electors voting on the question.

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

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

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

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

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

19 “(D) The municipality, in adopting the fee, complied with ORS 294.160,
20 294.361 and 294.426 and this section and standards adopted by the director
21 under ORS 455.148 [(11)] **(12)** or 455.150 [(11)] **(12)**.

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

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

27 “(b) For the purpose of partially defraying state inspection costs, there
28 is imposed a surcharge in the amount of two percent of the total permit fees
29 or, if the applicant chooses to pay an hourly rate instead of purchasing a
30 permit, two percent of the total hourly charges collected.

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

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

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

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

16 **“SECTION 28.** ORS 455.450 is amended to read:

17 “455.450. A person may not:

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

24 “(2) Engage in, or procure or assist any other person to engage in, any
25 conduct or activity for which a permit, label, license, certificate, registration
26 or other formal authorization is required by any specialty code, any pro-
27 vision of ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 446.566
28 to 446.646, 446.666 to 446.746, 479.510 to 479.945, 479.950 and 480.510 to 480.670,
29 this chapter or ORS chapter 447, 460 or 693, or any rule adopted or order
30 issued for the administration and enforcement of those provisions, without

1 first having obtained such permit, label, license, certificate, registration or
2 other formal authorization.

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

9 **“SECTION 29.** ORS 455.485 is amended to read:

10 “455.485. (1) When adopting the state building code, the Director of the
11 Department of Consumer and Business Services shall give special consider-
12 ation to the unique needs of construction in rural or remote parts of this
13 state.

14 “(2) Notwithstanding any description of State Fire Marshal duties in ORS
15 476.030, 476.033, 476.035, 476.150 or 476.155, the Director of the Department
16 of Consumer and Business Services or a [local] **municipal** building official
17 administering a building inspection program under ORS 455.148 or 455.150
18 may determine whether the structure as set forth in the plans and specifi-
19 cations or as constructed meets the standards of the state building code, in-
20 cluding but not limited to fire and life safety standards. The State Fire
21 Marshal, or a local fire official for a governmental subdivision exempted
22 from State Fire Marshal regulations as described under ORS 476.030, may
23 provide advice to building officials, inspectors or Department of Consumer
24 and Business Services employees concerning state building code standards.
25 A [local] **municipal** building official or department employee shall give
26 consideration to advice of the State Fire Marshal or local fire official that
27 does not conflict with the state building code, but shall retain the authority
28 to make final decisions regarding the code.

29 **“SECTION 30.** ORS 455.685 is amended to read:

30 “455.685. The Director of the Department of Consumer and Business Ser-

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

26 **“SECTION 31.** ORS 455.800 is amended to read:

27 “455.800. As used in ORS 455.800 to 455.820:

28 “(1) ‘Building official’ means a person who is a **municipal** building offi-
29 cial as defined in ORS [*455.715*] **455.010** or a Department of Consumer and
30 Business Services employee charged with enforcement or administration of

1 the state building code.

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

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

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

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

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

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

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

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

18 “(b) Has filed a withholding statement or an exemption certificate pur-
19 suant to ORS 316.182 for work performed for the qualified construction
20 company; and

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

23 “(A) Drywall;

24 “(B) Electrical systems;

25 “(C) Footings;

26 “(D) Foundations;

27 “(E) Framing;

28 “(F) Insulation;

29 “(G) Mechanical systems;

30 “(H) Plumbing systems; and

1 “(I) Stairs.

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

4 “(a) Drywall;

5 “(b) Electrical systems;

6 “(c) Footings;

7 “(d) Foundations;

8 “(e) Framing;

9 “(f) Insulation;

10 “(g) Mechanical systems; and

11 “(h) Plumbing systems.

12 **“SECTION 32.** ORS 455.820 is amended to read:

13 “455.820. (1) A master builder must perform all plan review and required
14 verifications for which government review or inspection has been waived by
15 a building official. The master builder shall maintain copies of all documents
16 and reports required by the government granting the waiver and provide
17 those copies to the building official.

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

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

30 “(a) Must conduct inspections of at least 10 percent of projects that are

1 built under a master builder program;

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

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

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

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

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

27 “**SECTION 33.** ORS 479.530 is amended to read:

28 “479.530. As used in ORS 479.510 to 479.945 and 479.995, unless the context
29 requires otherwise:

30 “(1) ‘Approved testing laboratory’ means a testing laboratory that meets

1 criteria for electrical product evaluation established by the Director of the
2 Department of Consumer and Business Services with the approval of the
3 Electrical and Elevator Board under ORS 479.730.

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

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

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

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

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

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

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

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

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

1 electrical wiring and permanently attached electrical products. 'Electrical
2 installation' does not include an oil module.

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

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

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

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

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

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

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

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

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

30 "(18) 'Multifamily dwelling' means a building containing more than one

1 dwelling unit.

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

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

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

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

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

14 **“SECTION 34.** ORS 693.115 is amended to read:

15 “693.115. (1) The State Plumbing Board is established in the Department
16 of Consumer and Business Services, consisting of seven members appointed
17 by the Governor. The appointment of a member of the board is subject to
18 confirmation by the Senate pursuant to section 4, Article III of the Oregon
19 Constitution.

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

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

23 “(b) One licensed plumbing contractor;

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

26 “(d) One registered professional mechanical engineer;

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

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

30 “(g) One member of the general public.

1 “(3) The term of office of each member is four years, but a member serves
2 at the pleasure of the Governor. Before the expiration of the term of a
3 member, the Governor shall appoint a successor. A member is not eligible for
4 appointment to more than two full terms of office. If there is a vacancy for
5 any cause, the Governor shall make an appointment to become immediately
6 effective for the unexpired term.

7 “(4) A member of the board shall receive compensation and expenses as
8 provided in ORS 292.495.

9 **“SECTION 35. (1) Section 3 of this 2021 Act is added to and made a
10 part of ORS 455.715 to 455.740.**

11 **“(2) Sections 11 and 12 of this 2021 Act and ORS 455.148 are added
12 to and made a part of ORS chapter 455.**

13

14 **“COMPLIANCE DEADLINE**

15

16 **“SECTION 36. (1) No later than 90 days after the effective date of
17 this 2021 Act, a municipality that uses a building inspector not meet-
18 ing the definition of ‘municipal inspector’ in ORS 455.010, or a building
19 official not meeting the definition of ‘municipal building official’ in
20 ORS 455.010, shall inform the Director of the Department of Consumer
21 and Business Services whether the municipality chooses to continue
22 to administer and enforce a building inspection program.**

23 **“(2) If a municipality chooses under subsection (1) of this section
24 to not continue the administration and enforcement of the building
25 inspection program, the director shall treat the choice as an aban-
26 donment of the program for purposes of ORS chapter 455. If the
27 abandoning municipality is a city, unless the county is also an aban-
28 doning municipality, the director shall transfer administration and
29 enforcement of the city program as provided under ORS 455.148 (5) or
30 455.150 (5). If the abandoning municipality is a county, the director**

1 shall take actions necessary for the administration and enforcement
2 of the county building inspection program, and the building inspection
3 program of any abandoning city within the county, as provided under
4 ORS 455.148 (6) or 455.150 (6).

5 “(3) If a municipality chooses to continue the administration and
6 enforcement of the building inspection program, no later than July 1,
7 2022, all building inspectors and building officials that the municipality
8 is using must meet the applicable definitions in ORS 455.010. If after
9 July 1, 2022, the municipality uses building inspectors or building of-
10 ficials who do not meet the applicable definitions under ORS 455.010,
11 the director shall treat the action as an abandonment of the program
12 for purposes of ORS chapter 455 and proceed as described in subsection
13 (2) of this section.

14

15

“VALIDATION OF PAST ACTIONS

16

17 “SECTION 37. The Legislative Assembly hereby ratifies and declares
18 valid any action taken by a building inspector or building official as
19 part of the administration and enforcement of a building inspection
20 program on behalf of a municipality that would have been a lawful
21 action if performed by the Department of Consumer and Business
22 Services as part of administering and enforcing a building inspection
23 program.

24

25

“UNIT CAPTIONS

26

27 “SECTION 38. The unit captions used in this 2021 Act are provided
28 only for the convenience of the reader and do not become part of the
29 statutory law of this state or express any legislative intent in the
30 enactment of this 2021 Act.

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“OPERATIVE DATE

“SECTION 39. Section 36 of this 2021 Act and the amendments to ORS 215.236, 446.250, 446.255, 447.091, 450.837, 455.042, 455.046, 455.062, 455.070, 455.080, 455.148, 455.150, 455.200, 455.210, 455.450, 455.485, 455.685, 455.800, 455.820, 479.530 and 693.115 by sections 13, 14 and 16 to 34 of this 2021 Act become operative on July 1, 2022.

“EMERGENCY CLAUSE

“SECTION 40. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.”.
