

# Senate Bill 87

Sponsored by Senator MEEK (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Lets a state agency agree with a local agency how to share duties for enforcing the Electrical Safety Law. Sets higher fines for not obeying the building code. Lets the state agency that governs contractors keep more of the money it collects as fines for breaking the law. (Flesch Readability Score: 60.1).

Permits the Electrical and Elevator Board to enter into agreements with municipalities to share responsibility for enforcing the Electrical Safety Law. Permits the Construction Contractors Board to retain a higher percentage of the proceeds of civil penalties the Construction Contractors Board imposes. Raises the amount of a civil penalty that the Department of Consumer and Business Services may impose for a violation of the state building code from \$5,000 per violation to \$7,500.

## A BILL FOR AN ACT

1  
2 Relating to the authority of agencies that regulate building safety in this state; creating new pro-  
3 visions; and amending ORS 455.185, 455.895 and 701.255.

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

5 **SECTION 1.** ORS 455.185 is amended to read:

6 455.185. (1)(a) Notwithstanding ORS 455.148, 455.150 and 455.153, upon request by one or more  
7 municipalities and with the consent of all affected parties, the Director of the Department of Con-  
8 sumer and Business Services may enter into an agreement for the Department of Consumer and  
9 Business Services to uniformly administer and enforce **within a geographic area** all or a portion  
10 of a building inspection program [*within a geographic area*].

11 **(b) Notwithstanding ORS 455.156, 479.820, 479.854 and 479.855, at the request of one or**  
12 **more municipalities the Electrical and Elevator Board may enter into an agreement to es-**  
13 **tablish an electrical licensing enforcement program within a geographic area under ORS**  
14 **479.510 to 479.945.**

15 (c) [*The*] A geographic area **described in paragraph (a) or (b) of this subsection** may be a  
16 municipality, a region comprising parts of more than one municipality or a region comprising mul-  
17 tiple municipalities. The geographic area need not correspond to the jurisdictional boundaries of  
18 municipalities. [*The*] An agreement **under paragraph (a) or (b) of this subsection** may provide for  
19 the department **or the board, as appropriate**, to perform administration and enforcement for a  
20 specified period or for carrying out one or more particular projects.

21 (2) The terms of an agreement under subsection (1) of this section may specify whether the de-  
22 partment is to utilize department **or board** resources, **as appropriate**, or combine resources with  
23 one or more of the municipalities to carry out an agreement. An agreement may combine department  
24 **or board** and local government resources in any manner that the parties believe will provide for the  
25 efficient and uniform administration of the building inspection program within the geographic area,  
26 including but not limited to full, divided, mutual or joint performance of any of the administrative  
27 or enforcement functions by any of the parties to the agreement. A decision by the director re-

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

1 guarding whether to enter into **or consent to** an agreement under subsection (1) of this section, and  
 2 the content of any agreement that the director enters into under subsection (1) of this section, is  
 3 not subject to review by the Attorney General or the Oregon Department of Administrative Services  
 4 and is subject to challenge or appeal under ORS chapter 183 only for failure to comply with an ex-  
 5 press requirement created under ORS 455.185 to 455.198 **or, for agreements between the board**  
 6 **and a municipality, for failure to comply with an express licensing requirement of the board**  
 7 **under ORS 479.510 to 479.945.**

8 (3) An agreement under subsection (1) of this section is not an abandonment of a building in-  
 9 spection program for purposes of ORS 455.148 or 455.150.

10 (4) If the Department of Consumer and Business Services enters into an agreement under sub-  
 11 section (1) of this section, the department and a public body that offers construction-related services  
 12 in the geographic area may enter into an agreement for providing access to the construction-related  
 13 services on the electronic information system described in ORS 455.095 and 455.097. The agreement  
 14 may include, but need not be limited to, provision for access that allows the electronic submission  
 15 of an application to the public body for a construction-related permit. As used in this subsection,  
 16 “public body” has the meaning given that term in ORS 174.109.

17 **(5) An agreement under subsection (1)(b) of this section may:**

18 **(a) Identify, recommend or implement an expansion, reduction, specification or appor-**  
 19 **tionment of authority to enforce ORS 479.510 to 479.945 between or among the parties to the**  
 20 **agreement;**

21 **(b) Provide for the board and other parties to the agreement to share the proceeds of**  
 22 **civil penalties the board imposes under ORS 455.895 (1)(b) and 479.995, notwithstanding pro-**  
 23 **visions in those sections and ORS 479.850 that specify the disposition of the proceeds; or**

24 **(c) Provide for other responsibilities for programs or activities under ORS 479.510 to**  
 25 **479.945.**

26 **SECTION 2.** ORS 455.895 is amended to read:

27 455.895. (1)(a) The State Plumbing Board may impose a civil penalty against a person as pro-  
 28 vided under ORS 447.992 and 693.992. Amounts recovered under this paragraph are subject to ORS  
 29 693.165.

30 (b) The Electrical and Elevator Board may impose a civil penalty against a person as provided  
 31 under ORS 479.995. Amounts recovered under this paragraph are subject to ORS 479.850.

32 (c) The Board of Boiler Rules may impose a civil penalty against a person as provided under  
 33 ORS 480.670. Amounts recovered under this paragraph are subject to ORS 480.670.

34 (2) The Department of Consumer and Business Services, or an appropriate advisory board, if  
 35 any, may at *[its]* **the department’s or the board’s** discretion impose a civil penalty against any  
 36 person who violates the state building code or ORS 446.003 to 446.200, 446.225 to 446.285, 446.395  
 37 to 446.420, 446.566 to 446.646, 446.666 to 446.746, 479.510 to 479.945, 479.950 or 480.510 to 480.670,  
 38 or this chapter or ORS chapter 447, 460 or 693, or any rule adopted or order issued for the admin-  
 39 istration and enforcement of those statutes. Except as provided in subsections (3), (4) and (9) of this  
 40 section or ORS 446.995, a civil penalty imposed under this section must be in an amount *[determined*  
 41 *by]* **the department or an** appropriate advisory board *[or the department of]* **determines, but** not  
 42 more than *[\$5,000]* **\$7,500** for each offense or, in the case of a continuing offense, not more than  
 43 \$1,000 for each day of the offense.

44 (3) Each violation of ORS 446.003 to 446.200 or 446.225 to 446.285, or any rule or order issued  
 45 under ORS 446.003 to 446.200 or 446.225 to 446.285, constitutes a separate violation with respect to

1 each manufactured dwelling or with respect to each failure or refusal to allow or perform an act  
 2 required under ORS 446.003 to 446.200 or 446.225 to 446.285, except that the maximum civil penalty  
 3 may not exceed \$1 million for any related series of violations occurring within one year from the  
 4 date of the first violation.

5 (4) The department may impose a civil penalty of not more than \$25,000 against a public body  
 6 responsible for administering and enforcing a building inspection program. As used in this sub-  
 7 section, “public body” has the meaning given that term in ORS 174.109.

8 (5) The maximum penalty established by this section for a violation may be imposed only upon  
 9 a finding that the person has engaged in a pattern of violations. The department, by rule, shall de-  
 10 fine what constitutes a pattern of violations. Except as provided in subsections (1) and (10) of this  
 11 section, moneys received from any civil penalty under this section are appropriated continuously for  
 12 and *[shall]* **must** be used by the department for enforcement and administration of provisions and  
 13 rules described in subsection (2) of this section.

14 (6) Civil penalties under this section *[shall]* **must** be imposed as provided in ORS 183.745.

15 (7) **The department or an appropriate advisory board may remit or reduce** a civil penalty  
 16 imposed under this section *[may be remitted or reduced]* upon such terms and conditions as the de-  
 17 partment or the *[appropriate advisory]* board considers proper and consistent with the public health  
 18 and safety. In any judicial review of a civil penalty imposed under this section, the court may, in  
 19 *[its]* **in the court’s** discretion, reduce the penalty.

20 (8) Any officer, director, shareholder or agent of a corporation, or member or agent of a part-  
 21 nership or association, who personally participates in or is an accessory to any violation by the  
 22 partnership, association or corporation of a provision or rule described in subsection (2) of this  
 23 section is subject to the penalties prescribed in this section.

24 (9) In addition to the civil penalty set forth in subsection (1) or (2) of this section, any person  
 25 who violates a provision or rule described in subsection (2) of this section may be required by the  
 26 department or the appropriate advisory board to forfeit and pay to the General Fund of the State  
 27 Treasury a civil penalty in an amount determined by the department or advisory board that does  
 28 not exceed five times the amount by which such person profited in any transaction that violates a  
 29 provision or rule described in subsection (2) of this section.

30 (10) If a civil penalty is imposed for a violation of a provision of ORS 446.566 to 446.646 and the  
 31 violation relates to a filing or failure to file with a county assessor functioning as agent of the de-  
 32 partment, the department, after deducting an amount equal to the department’s procedural, col-  
 33 lection and other related costs and expenses, shall forward one-half of the remaining civil penalty  
 34 amount to the county in which the manufactured structure is located at the time of the violation.

35 **SECTION 3.** ORS 701.255 is amended to read:

36 701.255. The Construction Contractors Board may retain *[20]* **50** percent annually from the funds  
 37 *[collected]* **the board collects** under ORS 701.992. The amount *[retained]* **the board retains** under  
 38 this section *[shall be]* **is** continuously appropriated **to the board** for the board’s costs of *[collection*  
 39 *of]* **collecting** civil penalties *[imposed]* **the board imposes** by order *[of the board]*.

40 **SECTION 4. Notwithstanding any other law limiting expenditures, the amount of \$500,000**  
 41 **is established for the biennium beginning July 1, 2025, as the maximum limit for payment of**  
 42 **expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but ex-**  
 43 **cluding lottery funds and federal funds, collected or received by the Department of Consumer**  
 44 **and Business Services to carry out the provisions of the amendments to ORS 455.185 by**  
 45 **section 1 of this 2025 Act.**

