

SENATE AMENDMENTS TO HOUSE BILL 2405

By COMMITTEE ON BUSINESS, TRANSPORTATION AND WORKFORCE DEVELOPMENT

March 29

1 On page 4 of the printed bill, after line 30, insert:

2 “**SECTION 6.** ORS 455.210, as amended by section 5 of this 2007 Act, is amended to read:

3 “455.210. (1) Fees shall be prescribed as required by ORS 455.020 for plan review and permits
4 issued by the Department of Consumer and Business Services for the construction, reconstruction,
5 alteration and repair of prefabricated structures and of buildings and other structures and the in-
6 stallation of mechanical heating and ventilating devices and equipment. The fees may not exceed 130
7 percent of the fee schedule printed in the ‘Uniform Building Code,’ 1979 Edition, and in the ‘Uniform
8 Mechanical Code,’ 1979 Edition, both published by the International Conference of Building Officials.
9 Fees are not effective until approved by the Oregon Department of Administrative Services.

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

13 “(3)(a) A municipality may adopt by ordinance or regulation such fees as may be necessary and
14 reasonable to provide for the administration and enforcement of any specialty code or codes for
15 which the municipality has assumed responsibility under ORS 455.148 or 455.150. A municipality
16 shall give the director notice of the proposed adoption of a new or increased fee under this sub-
17 section. The municipality shall give the notice to the director at the time the municipality provides
18 the opportunity for public comment under ORS 294.160 regarding the fee or, if the proposed fee is
19 contained in an estimate of municipal budget resources, at the time notice of the last budget meeting
20 is published in a newspaper under ORS 294.401.

21 “(b) Ten or more persons or an association with 10 or more members may appeal the adoption
22 of a fee described in this subsection to the Director of the Department of Consumer and Business
23 Services. The persons or association must file the appeal no later than 60 days after the director
24 receives notice of the proposed adoption of the fee from the municipality under paragraph (a) of this
25 subsection. However, if the municipality failed to give notice to the director, an appeal may be filed
26 with the director within one year after adoption of the new or increased fee. Upon receiving a
27 timely appeal, the director shall, after notice to affected parties and hearing, review the munic-
28 ipality’s fee adoption process and the costs of administering and enforcing the specialty code or
29 codes referred to in paragraph (a) of this subsection. The director shall approve the fee if the di-
30 rector feels the fee is necessary and reasonable. If the director does not approve the fee upon ap-
31 peal, the fee is not effective. The appeal process provided in this paragraph does not apply to fees
32 that have been submitted for a vote and approved by a majority of the electors voting on the ques-
33 tion.

34 “(c) Fees collected by a municipality under this subsection shall be used for the administration
35 and enforcement of a building inspection program for which the municipality has assumed responsi-

1 bility under ORS 455.148 or 455.150.

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

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

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

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

10 “(D) The municipality, in adopting the fee, complied with ORS 294.160, 294.361 and 294.401 and
11 this section and standards adopted by the director under ORS 455.148 (11) or 455.150 (11).

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

13 “(a) For the purpose of partially defraying state administrative costs, there is imposed a sur-
14 charge in the amount of four percent of the total permit fees or, if the applicant chooses to pay an
15 hourly rate instead of purchasing a permit, four percent of the total hourly charges collected.

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

19 “(c) For the purpose of defraying the cost of administering and enforcing the state building code,
20 there is imposed a surcharge on permit fees and on hourly charges collected instead of permit fees.
21 The surcharge may not exceed one percent of the total permit fees or, if the applicant chooses to
22 pay an hourly rate instead of purchasing a permit, one percent of the total hourly charges collected.

23 “[*d*] For the purpose of defraying the cost of developing and administering the electronic building
24 codes information system described in section 2 of this 2007 Act and ORS 455.095, there is imposed a
25 surcharge in the amount of five percent on permit fees, or if the applicant chooses to pay an hourly rate
26 instead of purchasing a permit, five percent of the total hourly charges collected. However, the depart-
27 ment may adopt rules to waive a portion of the surcharge imposed under this paragraph if the de-
28 partment determines that the amount collected by the surcharge imposed under this paragraph exceeds
29 the actual cost to the department of developing and administering the electronic building codes infor-
30 mation system described in section 2 of this 2007 Act and ORS 455.095.]

31 “(5) Municipalities shall collect and remit surcharges imposed under subsection (4) of this sec-
32 tion to the director as provided in ORS 455.220.

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

35 In line 31, delete “6” and insert “7”.

36 In line 40, delete “7.” and insert “8. (1)” and delete “6” and insert “7”.

37 After line 41, insert:

38 “(2) The amendments to ORS 455.210 by section 6 of this 2007 Act become operative January
39 2, 2018.”.

40 In line 42, delete “8” and insert “9”.