

House Bill 2478

Sponsored by Representative SCHAUFLEER

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**.

Requires that municipality assuming building inspection program have population of at least 35,000. Applies to programs for which Director of Department of Consumer and Business Services receives notification of program assumption from municipality on or after January 2, 2008.

Restates grounds for Department of Consumer and Business Services assumption of municipal building programs.

A BILL FOR AN ACT

1
2 Relating to building inspection programs; creating new provisions; and amending ORS 455.148,
3 455.150, 455.152, 455.160, 455.210 and 455.220.

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

5 **SECTION 1.** ORS 455.148 is amended to read:

6 455.148. (1)(a) A municipality that assumes the administration and enforcement of a building in-
7 spection program [*on or after January 1, 2002,*] shall administer and enforce the program for all of
8 the following:

9 (A) The state building code, as defined in ORS 455.010, except as set forth in paragraph (b) of
10 this subsection;

11 (B) Manufactured structure installation requirements under ORS 446.155, 446.185 (1) and 446.230;

12 (C) Manufactured dwelling parks and mobile home parks under ORS chapter 446;

13 (D) Park and camp programs regulated under ORS 455.680;

14 (E) Tourist facilities regulated under ORS 446.310 to 446.350;

15 (F) Manufactured dwelling alterations regulated under ORS 446.155; and

16 (G) Manufactured structure accessory buildings and structures under ORS 446.253.

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

18 (A) Boiler and pressure vessel programs under ORS 480.510 to 480.670;

19 (B) Elevator programs under ORS 460.005 to 460.175;

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

21 (D) Prefabricated structure regulation under ORS chapter 455;

22 (E) Manufacture of manufactured structures programs under ORS 446.155 to 446.285, including
23 the administration and enforcement of federal manufactured dwelling construction and safety stan-
24 dards adopted under ORS 446.155 or the National Manufactured Housing Construction and Safety
25 Standards Act of 1974;

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

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

29 **(2) To qualify for the assumption of a building inspection program under this section, a
30 municipality must have a population of at least 35,000 on the date that the municipality no-**

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 **tifies the Director of the Department of Consumer and Business Services under subsection**
 2 **(8) of this section that the municipality plans to assume responsibility for the program. This**
 3 **subsection does not apply to a municipality notifying the director under subsection (5) of this**
 4 **section that the municipality plans to continue the administration and enforcement of a**
 5 **building inspection program. For purposes of this subsection, “population” means the num-**
 6 **ber of residents of the municipality according to the latest federal decennial census or an**
 7 **estimate of count under ORS 190.510 to 190.610, whichever is more recent.**

8 [(2)] (3) A municipality that administers a building inspection program as allowed under this
 9 section shall do so for periods of four years. The Department of Consumer and Business Services
 10 shall adopt rules to adjust time periods for administration of a building inspection program to allow
 11 for variations in the needs of the department and participants.

12 [(3)] (4) When a municipality administers a building inspection program, the governing body of
 13 the municipality shall, unless other means are already provided, appoint a person to administer and
 14 enforce the building inspection program, who shall be known as the building official. A building of-
 15 ficial shall, in the municipality for which appointed, attend to all aspects of code enforcement, in-
 16 cluding the issuance of all building permits. Two or more municipalities may combine in the
 17 appointment of a single building official for the purpose of administering a building inspection pro-
 18 gram within their communities.

19 [(4)(a)] (5)(a) By January 1 of the year preceding the expiration of the four-year period described
 20 in subsection [(2)] (3) of this section, the governing body of the municipality shall notify the Director
 21 of the Department of Consumer and Business Services and, if the municipality is not a county, notify
 22 the county whether the municipality will continue to administer and enforce the building inspection
 23 program after expiration of the four-year period.

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

27 [(5)] (6) If a city does not notify the director, or notifies the director that it will not administer
 28 the building inspection program, the county or counties in which the city is located shall administer
 29 and enforce the county program within the city in the same manner as the program is administered
 30 and enforced outside the city, except as provided by subsection [(6)] (7) of this section.

31 [(6)] (7) If a county does not notify the director, or notifies the director that it will not admin-
 32 ister and enforce a building inspection program, the director shall contract with a municipality or
 33 other person or use such state employees or state agencies as are necessary to administer and en-
 34 force a building inspection program, and permit or other fees arising therefrom shall be paid into
 35 the Consumer and Business Services Fund created by ORS 705.145 and credited to the account re-
 36 sponsible for paying the expenses thereof. A state employee may not be displaced as a result of using
 37 contract personnel.

38 [(7)] (8) The governing body of a municipality may commence responsibility for the adminis-
 39 tration and enforcement of a building inspection program beginning July 1 of any year by notifying
 40 the director no later than January 1 of the same year and obtaining the director’s approval of an
 41 assumption plan as described in subsection [(11)(c)] (12)(c) of this section.

42 [(8)] (9) The department shall adopt rules to require the governing body of each municipality
 43 assuming or continuing a building inspection program under this section to submit a written plan
 44 with the notice required under subsection [(4) or (7)] (5) or (8) of this section. If the department is
 45 the governing body, the department shall have a plan on file. The plan must specify how cooperation

1 with the State Fire Marshal or a designee of the State Fire Marshal will be achieved and how a
 2 uniform fire code will be considered in the review process of the design and construction phases of
 3 buildings or structures.

4 [(9)] (10) A municipality that administers and enforces a building inspection program pursuant
 5 to this section shall recognize and accept the performances of state building code activities by
 6 businesses and persons authorized under ORS 455.457 to perform the activities as if the activities
 7 were performed by the municipality. A municipality is not required to accept an inspection, a plan
 8 or a plan review that does not meet the requirements of the state building code.

9 [(10)] (11) The department or a municipality that accepts an inspection or plan review as re-
 10 quired by this section by a person licensed under ORS 455.457 has no responsibility or liability for
 11 the activities of the licensee.

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

15 (a) Creating building inspection program application and amendment requirements and proce-
 16 dures;

17 (b) Granting or denying applications for building inspection program authority and amendments;

18 (c) Requiring a municipality assuming a building inspection program to submit with the notice
 19 given under subsection [(7)] (8) of this section an assumption plan that includes, at a minimum:

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

22 (B) Demonstration of the ability and intent to provide building inspection program services for
 23 at least two years;

24 (C) An estimate of proposed permit revenue and program operating expenses;

25 (D) Proposed staffing levels; and

26 (E) Proposed service levels;

27 (d) Reviewing procedures and program operations of municipalities;

28 (e) Creating standards for efficient, effective, timely and acceptable building inspection pro-
 29 grams;

30 (f) Creating standards for justifying increases in building inspection program fees adopted by a
 31 municipality;

32 (g) Creating standards for determining whether a county or department building inspection
 33 program is economically impaired in its ability to reasonably continue providing the program
 34 throughout a county, if another municipality is allowed to provide a building inspection program
 35 within the same county; and

36 (h) Enforcing the requirements of this section.

37 [(12)] (13) The department may assume administration of a building inspection program:

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

39 (b) If a municipality abandons or is no longer able to administer the building inspection program;
 40 [*and*] **or**

41 (c) If a municipality fails to substantially comply with any provision of this section or of ORS
 42 455.465, 455.467 and 455.469.

43 [(13)] (14) A municipality that abandons or otherwise ceases to administer a building inspection
 44 program that the municipality assumed under this section may not resume the administration or
 45 enforcement of the program for at least two years. The municipality may resume the administration

1 and enforcement of the abandoned program only on July 1 of an odd-numbered year. Prior to re-
 2 suming the administration and enforcement of the program, the municipality must follow the notifi-
 3 cation procedure set forth in subsection [(7)] (8) of this section.

4 **SECTION 2.** ORS 455.150 is amended to read:

5 455.150. (1) **Notwithstanding ORS 455.148**, a municipality that [*assumes*] **assumed** the admin-
 6 istration and enforcement of a building inspection program prior to January 1, 2002, may administer
 7 and enforce all or part of a building inspection program. A building inspection program:

8 (a) Is a program that includes:

9 (A) The state building code, as defined in ORS 455.010, except as set forth in paragraph (b) of
 10 this subsection;

11 (B) Manufactured structure installation requirements under ORS 446.155, 446.185 (1) and 446.230;

12 (C) Manufactured dwelling parks and mobile home parks under ORS chapter 446;

13 (D) Park and camp programs regulated under ORS 455.680;

14 (E) Tourist facilities regulated under ORS 446.310 to 446.350;

15 (F) Manufactured dwelling alterations regulated under ORS 446.155; and

16 (G) Manufactured structure accessory buildings and structures under ORS 446.253.

17 (b) Is not a program that includes:

18 (A) Boiler and pressure vessel programs under ORS 480.510 to 480.670;

19 (B) Elevator programs under ORS 460.005 to 460.175;

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

21 (D) Prefabricated structure regulation under ORS chapter 455;

22 (E) Manufacture of manufactured structures programs under ORS 446.155 to 446.285, including
 23 the administration and enforcement of federal manufactured dwelling construction and safety stan-
 24 dards adopted under ORS 446.155 or the National Manufactured Housing Construction and Safety
 25 Standards Act of 1974;

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

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

29 (2) A municipality that administers a building inspection program as allowed under this section
 30 shall do so for periods of four years. The Department of Consumer and Business Services shall adopt
 31 rules to adjust time periods for administration of a building inspection program to allow for vari-
 32 ations in the needs of the department and participants.

33 (3) When a municipality administers a building inspection program, the governing body of the
 34 municipality shall, unless other means are already provided, appoint a person to administer and
 35 enforce the building inspection program or parts thereof, who shall be known as the building official.
 36 A building official shall, in the municipality for which appointed, attend to all aspects of code
 37 enforcement, including the issuance of all building permits. Two or more municipalities may combine
 38 in the appointment of a single building official for the purpose of administering a building inspection
 39 program within their communities.

40 (4)(a) By January 1 of the year preceding the expiration of the four-year period described in
 41 subsection (2) of this section, the governing body of the municipality shall notify the Director of the
 42 Department of Consumer and Business Services and, if not a county, notify the county whether the
 43 municipality will continue to administer the building inspection program, or parts thereof, after ex-
 44 piration of the four-year period. If parts of a building inspection program are to be administered and
 45 enforced by a municipality, the parts shall correspond to a classification designated by the director

1 as reasonable divisions of work.

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

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

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

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

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

28 (9) A municipality that administers a code for which persons or businesses are authorized under
 29 ORS 455.457 to perform activities shall recognize and accept those activities as if performed by the
 30 municipality. A municipality is not required to accept an inspection, a plan or a plan review that
 31 does not meet the requirements of the state building code.

32 (10) The department or a municipality that accepts an inspection or plan review as required by
 33 this section by a person licensed under ORS 455.457 has no responsibility or liability for the activ-
 34 ities of the licensee.

35 (11) In addition to the requirements of ORS 455.100 and 455.110, the director shall regulate
 36 building inspection programs of municipalities assumed prior to January 1, 2002. Regulation under
 37 this subsection shall include but not be limited to:

- 38 (a) Creating building inspection program application and amendment requirements and proce-
 39 dures;
- 40 (b) Granting or denying applications for building inspection program authority and amendments;
- 41 (c) Reviewing procedures and program operations of municipalities;
- 42 (d) Creating standards for efficient, effective, timely and acceptable building inspection pro-
 43 grams;
- 44 (e) Creating standards for justifying increases in building inspection program fees adopted by a
 45 municipality;

1 (f) Creating standards for determining whether a county or department building inspection pro-
 2 gram is economically impaired in its ability to reasonably continue providing the program or part
 3 of the program throughout a county, if another municipality is allowed to provide a building in-
 4 spection program or part of a program within the same county; and

5 (g) Enforcing the requirements of this section.

6 (12) The department may assume administration of a building inspection program:

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

8 (b) If a municipality abandons any part of the building inspection program or is no longer able
 9 to administer the building inspection program; *[and]* **or**

10 (c) If a municipality fails to substantially comply with any provision of this section or of ORS
 11 455.465, 455.467 and 455.469.

12 (13) If a municipality abandons or otherwise ceases to administer all or part of a building in-
 13 spection program described in this section, the municipality may not resume the administration and
 14 enforcement of the abandoned program or part of a program for at least two years. The municipality
 15 may resume the administration and enforcement of the abandoned program or part of a program only
 16 on July 1 of an odd-numbered year. To resume the administration and enforcement of the abandoned
 17 program or part of a program, the municipality must comply with ORS 455.148, including **the pop-**
 18 **ulation requirement and** the requirement that the municipality administer and enforce all aspects
 19 of the building inspection program. Thereafter, the municipality is subject to ORS 455.148 and ceases
 20 to be subject to this section.

21 **SECTION 3.** ORS 455.152 is amended to read:

22 455.152. (1) A municipality, 10 or more persons or an association with 10 or more members may
 23 file objections to a municipality's assumption of a building inspection program. The objections must
 24 be filed within 30 days after the Director of the Department of Consumer and Business Services
 25 gives notice of the application.

26 (2) The director, by rule, shall establish a process for reviewing objections filed under subsection
 27 (1) of this section. The review process shall include but need not be limited to:

28 (a) Identification of economic impairment, if any, affecting the municipality;

29 (b) Demonstration by the municipality that all building inspection program permits and services
 30 will be available, including any service agreements for carrying out building program services;

31 (c) Review of all elements of the assumption plan submitted by the municipality;

32 (d) Demonstration by the municipality of the ability to provide building inspection program
 33 services for at least two years; *[and]*

34 (e) Review of proposed levels of service, including the municipality's ability to maintain or im-
 35 prove upon existing service levels[.]; **and**

36 **(f) Review of whether the municipality has the population required for the assumption**
 37 **of a building inspection program.**

38 (3) Upon completion of a review under subsection (2) of this section, the director shall issue a
 39 final agency order approving or disapproving the application.

40 **SECTION 4.** ORS 455.160 is amended to read:

41 455.160. (1) The municipality that is responsible for state building code administration and
 42 enforcement in a municipality pursuant to ORS 455.148 or 455.150, or the Department of Consumer
 43 and Business Services if the department is responsible for state building code administration and
 44 enforcement pursuant to ORS 455.148 or 455.150, may not engage in a pattern of conduct of failing
 45 to provide timely inspections or plan reviews without reasonable cause.

1 (2) Any person adversely affected by a pattern of conduct prohibited in subsection (1) of this
 2 section may serve the municipality or the department with a written demand to provide timely in-
 3 spections or plan reviews.

4 (3) If a municipality, within five days of receipt of the demand, fails to provide timely inspections
 5 or plan reviews without reasonable cause, the person who served the demand may seek to compel
 6 the inspections or plan reviews through a writ of mandamus pursuant to ORS 34.105 to 34.240. If the
 7 court finds that the municipality has engaged in a pattern of conduct of failing to provide timely
 8 inspections or plan reviews without reasonable cause, it may direct the municipality to provide
 9 timely inspections or plan reviews or to transfer the administration and enforcement of the code in
 10 question under procedures outlined in ORS 455.148 [(5) and] (6) **and (7)** or 455.150 (5) and (6).

11 (4) If the department, within five days of receipt of the demand, fails to provide timely in-
 12 spections or plan reviews without reasonable cause, the person who served the demand may seek
 13 to compel the inspections or plan reviews through a writ of mandamus pursuant to ORS 34.105 to
 14 34.240. If the court finds that the department has engaged in a pattern of conduct of failing to pro-
 15 vide timely inspections or plan reviews without reasonable cause, it may direct the department to
 16 provide timely inspections or plan reviews or to transfer the administration and enforcement of the
 17 code in question to an appropriate municipality, if the municipality accepts the responsibility. A
 18 municipality may accept the transfer of the administration and enforcement of a code under this
 19 subsection without becoming subject to ORS 455.148 as a result of accepting the transfer.

20 **SECTION 5.** ORS 455.210 is amended to read:

21 455.210. (1) Fees shall be prescribed as required by ORS 455.020 for plan review and permits
 22 issued by the Department of Consumer and Business Services for the construction, reconstruction,
 23 alteration and repair of prefabricated structures and of buildings and other structures and the in-
 24 stallation of mechanical heating and ventilating devices and equipment. The fees may not exceed 130
 25 percent of the fee schedule printed in the “Uniform Building Code,” 1979 Edition, and in the “Uni-
 26 form Mechanical Code,” 1979 Edition, both published by the International Conference of Building
 27 Officials. Fees are not effective until approved by the Oregon Department of Administrative Ser-
 28 vices.

29 (2) Notwithstanding subsection (1) of this section, the maximum fee the Director of the Depart-
 30 ment of Consumer and Business Services may prescribe for a limited plan review for fire and life
 31 safety as required under ORS 479.155 shall be 40 percent of the prescribed permit fee.

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

40 (b) Ten or more persons or an association with 10 or more members may appeal the adoption
 41 of a fee described in this subsection to the Director of the Department of Consumer and Business
 42 Services. The persons or association must file the appeal no later than 60 days after the director
 43 receives notice of the proposed adoption of the fee from the municipality under paragraph (a) of this
 44 subsection. However, if the municipality failed to give notice to the director, an appeal may be filed
 45 with the director within one year after adoption of the new or increased fee. Upon receiving a

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

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

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

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

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

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

19 (D) The municipality, in adopting the fee, complied with ORS 294.160, 294.361 and 294.401 and
 20 this section and standards adopted by the director under ORS 455.148 [(11)] (12) or 455.150 (11).

21 (4) Notwithstanding any other provision of ORS 455.010 to 455.240, 455.310, 455.315 and 455.410
 22 to 455.740, for the purpose of partially defraying state administrative costs, there is hereby imposed
 23 a surcharge in the amount of four percent of the total permit fees or, if the applicant chooses to pay
 24 an hourly rate instead of purchasing a permit, four percent of the total hourly charges collected.
 25 Municipalities shall collect and remit surcharges to the director as provided in ORS 455.220.

26 (5) Notwithstanding any other provisions of ORS 455.010 to 455.240, 455.310, 455.315 and 455.410
 27 to 455.740, for the purpose of partially defraying state inspection costs, there is hereby imposed a
 28 surcharge in the amount of two percent of the total permit fees or, if the applicant chooses to pay
 29 an hourly rate instead of purchasing a permit, two percent of the total hourly charges collected.
 30 Municipalities shall collect and remit surcharges to the director as provided in ORS 455.220.

31 (6) Notwithstanding any other provision of ORS 455.010 to 455.240, 455.310, 455.315 and 455.410
 32 to 455.740 and in addition to the surcharges imposed under subsections (4) and (5) of this section,
 33 for the purpose of defraying the cost of administering and enforcing the state building code, there
 34 is imposed a surcharge on permit fees and on hourly charges collected instead of permit fees. The
 35 surcharge may not exceed one percent of the total permit fees or, if the applicant chooses to pay
 36 an hourly rate instead of purchasing a permit, one percent of the total hourly charges collected.
 37 Municipalities shall collect and remit surcharges to the director as provided in ORS 455.220.

38 (7) The director shall adopt administrative rules to allow reduced fees for review of plans that
 39 have been previously reviewed.

40 **SECTION 6.** ORS 455.220 is amended to read:

41 455.220. (1) There is hereby imposed a surcharge in the amount of one percent of the total
 42 building permit fees or, if the applicant chooses to pay an hourly rate instead of purchasing a per-
 43 mit, one percent of the total hourly charges collected in connection with the construction of, or
 44 addition or alteration to, buildings and equipment or appurtenances. Up to one-half of the surcharge
 45 collected under this subsection may be used to fund the activities described in ORS 455.042 and

1 455.046. The remainder of the surcharge collected under this subsection shall be used for the pur-
 2 pose of defraying the costs of training and other educational programs administered by the Depart-
 3 ment of Consumer and Business Services under this chapter.

4 (2) Permit surcharges shall be collected by each municipality and remitted to the Director of the
 5 Department of Consumer and Business Services. Each municipality having a population greater than
 6 40,000 shall, on a monthly basis, prepare and submit to the director a report of permits and certif-
 7 icates issued in each class or category and fees and surcharges thereon collected during the month,
 8 together with other statistical information as required by the director concerning construction ac-
 9 tivity regulated by the parts of the state building code administered by the municipality. All other
 10 municipalities shall submit a report described in this subsection on a quarterly basis. The report
 11 shall be in a form prescribed by the director and shall be submitted, together with a remittance
 12 covering the surcharges collected, by no later than the 15th day following the month or quarter in
 13 which the surcharges are collected.

14 (3)(a) All surcharges and other fees prescribed by ORS 455.010 to 455.240 and 455.410 to 455.740
 15 and payable to the department, except fees received under ORS 455.148 [(6)] (7) or 455.150 (6), shall
 16 be deposited by the director in the Consumer and Business Services Fund created by ORS 705.145.

17 (b) Notwithstanding subsection (1) of this section, the surcharge imposed under subsection (1)
 18 of this section for permits established under ORS 446.062 (3), 446.176, 446.405 (2), 446.430 (2) and
 19 455.170 (2) shall be deposited in the Consumer and Business Services Fund established under ORS
 20 705.145 and is continuously appropriated to the department for use as provided in ORS 446.423.

21 (4) The director shall administer training and other education programs under this chapter
 22 through contracts with local educational institutions, professional associations or other training
 23 providers.

24 **SECTION 7. The amendments to ORS 455.148, 455.150 and 455.152 by sections 1 to 3 of this**
 25 **2007 Act apply to building programs for which the Director of the Department of Consumer**
 26 **and Business Services receives notification of program assumption from the municipality on**
 27 **or after January 2, 2008.**