

**A-Engrossed  
House Bill 3462**

Ordered by the House May 4  
Including House Amendments dated May 4

Sponsored by Representative GILMAN; Representatives BEYER, BOONE, COWAN, ESQUIVEL, GARRARD, KENNEMER, ROBLAN, SCHAUFLEER, G SMITH, Senators FERRIOLI, JOHNSON, NELSON, SCHRADER, WHITSETT (at the request of Association of Oregon Counties)

**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.

Allows Director of Department of Consumer and Business Services to establish temporary programs to train and certify specialized building inspectors to enforce portions of specialty codes.

**Broadens authority of director to offer training and other education programs for building officials and inspectors. Allows director to adopt certain rules related to certification of building officials and inspectors. Allows director to deny, condition, suspend, revoke or refuse to renew certificate if building official or inspector commits specified acts.**

**A BILL FOR AN ACT**

1  
2 Relating to building inspection program personnel; creating new provisions; and amending ORS  
3 455.220, 455.715, 455.735 and 455.740.

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

5 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS 455.715 to**  
6 **455.740.**

7 **SECTION 2. (1) The Director of the Department of Consumer and Business Services, with**  
8 **the advice of the appropriate advisory boards, may adopt rules establishing one or more**  
9 **programs to train, qualify and certify an individual as a specialized building inspector au-**  
10 **thorized to enforce portions of specialty codes. Notwithstanding ORS 455.720 (1) and 455.725,**  
11 **the rules may include, but need not be limited to, rules that establish:**

12 (a) **Work experience, training and other qualifications for program participation;**

13 (b) **Content and presentation requirements for training programs;**

14 (c) **Methods for verifying the qualification of the individual to enforce portions of spe-**  
15 **cialty codes as a specialized building inspector certified under this section;**

16 (d) **The portions of various specialty codes that each program will enable a qualifying**  
17 **individual to enforce and any terms, conditions or classifications applicable for that**  
18 **enforcement; and**

19 (e) **Requirements the director believes reasonable for the administration and enforce-**  
20 **ment of this section.**

21 (2) **Notwithstanding ORS 446.250, 455.630, 455.720, 455.725, 479.530, 479.810 and 479.855, the**  
22 **director may issue or cause to be issued a certificate as a specialized building inspector to**  
23 **an individual who successfully completes an approved training program and satisfies quali-**  
24 **fication verification under this section.**

25 (3) **An individual certified as a specialized building inspector under this section may**

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

6 **SECTION 3. (1) Section 2 of this 2009 Act is repealed January 2, 2016.**

7 **(2) Notwithstanding the repeal of section 2 of this 2009 Act by subsection (1) of this sec-**  
8 **tion, unless suspended or revoked, a certificate issued under section 2 of this 2009 Act that**  
9 **is in effect on January 2, 2016, shall continue in effect until the earlier of:**

10 **(a) The expiration of the certificate term; or**

11 **(b) January 2, 2018.**

12 **SECTION 4. ORS 455.220 is amended to read:**

13 455.220. (1) There is hereby imposed a surcharge in the amount of one percent of the total  
14 building permit fees or, if the applicant chooses to pay an hourly rate instead of purchasing a per-  
15 mit, one percent of the total hourly charges collected in connection with the construction of, or  
16 addition or alteration to, buildings and equipment or appurtenances. Up to one-half of the surcharge  
17 collected under this subsection may be used to fund the activities described in ORS 455.042 and  
18 455.046. The remainder of the surcharge collected under this subsection shall be used for the pur-  
19 pose of defraying the costs of training and other educational programs administered by the Depart-  
20 ment of Consumer and Business Services under this chapter.

21 (2) Permit surcharges shall be collected by each municipality and remitted to the Director of the  
22 Department of Consumer and Business Services. Each municipality having a population greater than  
23 40,000 shall, on a monthly basis, prepare and submit to the director a report of permits and certif-  
24 icates issued in each class or category and fees and surcharges thereon collected during the month,  
25 together with other statistical information as required by the director concerning construction ac-  
26 tivity regulated by the parts of the state building code administered by the municipality. All other  
27 municipalities shall submit a report described in this subsection on a quarterly basis. The report  
28 shall be in a form prescribed by the director and shall be submitted, together with a remittance  
29 covering the surcharges collected, by no later than the 15th day following the month or quarter in  
30 which the surcharges are collected.

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

34 (b) Notwithstanding subsection (1) of this section, the surcharge imposed under subsection (1)  
35 of this section for permits established under ORS 446.062 (3), 446.176, 446.405 (2), 446.430 (2) and  
36 455.170 (2) shall be deposited in the Consumer and Business Services Fund established under ORS  
37 705.145 and is continuously appropriated to the department for use as provided in ORS 446.423.

38 (4) **Except as provided in subsection (5) of this section,** the director shall administer training  
39 and other education programs under this chapter through contracts with local educational insti-  
40 tutions, professional associations or other training providers.

41 **(5) The director may:**

42 **(a) Arrange for the department to offer training and other education programs for**  
43 **building officials and building inspectors; or**

44 **(b) Arrange for local educational institutions, professional associations or other training**  
45 **providers to offer training and other education programs for building officials and building**

1 **inspectors. A contract between the director and a training provider under this paragraph is**  
2 **subject to ORS 279B.235, but is otherwise exempt from ORS chapters 279A and 279B and ORS**  
3 **279C.100 to 279C.125 and 279C.300 to 279C.470.**

4 **SECTION 5.** ORS 455.715 is amended to read:

5 455.715. As used in ORS 455.715 to 455.740, unless the context otherwise requires:

6 (1) "Building official" means a person charged by a municipality with responsibility for admin-  
7 istration and enforcement of the state building code in the municipality.

8 (2) "Business of providing prefabricated structure plan approvals and inspections" means an in-  
9 dependent contractor providing prefabricated structure plan approval or inspection services, or both,  
10 under the following specialty codes, as provided in ORS 455.020, 455.705 and 455.715:

11 (a) Structural;

12 (b) Mechanical;

13 (c) Plumbing;

14 (d) Electrical; and

15 (e) Low-rise residential dwelling.

16 (3) "Inspector" means:

17 (a) A person, including a plans examiner, acting under the authority and direction of a building  
18 official and charged with the responsibility of routine enforcement of any specialty code; [or]

19 (b) A person, including a plans examiner, who provides enforcement of any specialty code, who  
20 is personally in the business of providing prefabricated structure plan approvals or inspections or  
21 is employed by such a business[.]; **or**

22 **(c) A specialized building inspector certified under section 2 of this 2009 Act.**

23 **SECTION 6.** ORS 455.715, as amended by section 5 of this 2009 Act, is amended to read:

24 455.715. As used in ORS 455.715 to 455.740, unless the context otherwise requires:

25 (1) "Building official" means a person charged by a municipality with responsibility for admin-  
26 istration and enforcement of the state building code in the municipality.

27 (2) "Business of providing prefabricated structure plan approvals and inspections" means an in-  
28 dependent contractor providing prefabricated structure plan approval or inspection services, or both,  
29 under the following specialty codes, as provided in ORS 455.020, 455.705 and 455.715:

30 (a) Structural;

31 (b) Mechanical;

32 (c) Plumbing;

33 (d) Electrical; and

34 (e) Low-rise residential dwelling.

35 (3) "Inspector" means:

36 (a) A person, including a plans examiner, acting under the authority and direction of a building  
37 official and charged with the responsibility of routine enforcement of any specialty code; **or**

38 (b) A person, including a plans examiner, who provides enforcement of any specialty code, who  
39 is personally in the business of providing prefabricated structure plan approvals or inspections or  
40 is employed by such a business[.]; *or*

41 *[(c) A specialized building inspector certified under section 2 of this 2009 Act.]*

42 **SECTION 7.** ORS 455.735 is amended to read:

43 455.735. (1) **The Director of the Department of Consumer and Business Services may issue**  
44 **certificates for building officials and building inspectors under ORS 455.715 to 455.740.**

45 (2) Any person desiring [*to be certified*] **issuance of an initial certificate** as a building official

1 or inspector [pursuant to ORS 455.715 to 455.740] shall make application to the director [of the De-  
2 partment of Consumer and Business Services] upon such forms as the director may prescribe for such  
3 purpose **and pay an application fee.**

4 [(2)(a) Each person applying for certification pursuant to this section shall pay a fee of \$22.]

5 [(b)] (3) [In the event] **If** the director requires, by rule, an applicant for a particular certification  
6 to pass an examination prepared by a national organization, the applicant shall pay in addition to  
7 the fee required in [paragraph (a) of this] subsection (2) **of this section**, the cost of the examination.  
8 **If the director requires an applicant for certification to pass an examination administered**  
9 **by the Department of Consumer and Business Services, the department may charge the ap-**  
10 **PLICANT AN EXAMINATION ADMINISTRATION FEE.**

11 [(3)] (4) Upon determining that the applicant is qualified under ORS 455.715 to 455.740, the di-  
12 rector shall issue a certificate or cause a certificate to be issued to the applicant.

13 (5) **A certificate issued under this section shall be valid for a term established by the**  
14 **department by rule. An applicant for renewal of a certificate shall submit an application on**  
15 **a form approved by the director and pay a renewal application fee.**

16 (6) **The department may adopt rules establishing certificate renewal requirements and**  
17 **establishing reasonable fees under this section.**

18 (7) **The department may charge fees for participation in specialized building inspector**  
19 **training programs approved or established by the department.**

20 **SECTION 8.** ORS 455.735, as amended by section 7 of this 2009 Act, is amended to read:

21 455.735. (1) The Director of the Department of Consumer and Business Services may issue cer-  
22 tificates for building officials and building inspectors under ORS 455.715 to 455.740.

23 (2) Any person desiring issuance of an initial certificate as a building official or inspector shall  
24 make application to the director upon such forms as the director may prescribe for such purpose  
25 and pay an application fee.

26 (3) If the director requires, by rule, an applicant for a particular certification to pass an exam-  
27 ination prepared by a national organization, the applicant shall pay in addition to the fee required  
28 in subsection (2) of this section, the cost of the examination. If the director requires an applicant  
29 for certification to pass an examination administered by the Department of Consumer and Business  
30 Services, the department may charge the applicant an examination administration fee.

31 (4) Upon determining that the applicant is qualified under ORS 455.715 to 455.740, the director  
32 shall issue a certificate or cause a certificate to be issued to the applicant.

33 (5) A certificate issued under this section shall be valid for a term established by the department  
34 by rule. An applicant for renewal of a certificate shall submit an application on a form approved  
35 by the director and pay a renewal application fee.

36 (6) The department may adopt rules establishing certificate renewal requirements and estab-  
37 lishing reasonable fees under this section.

38 [(7) The department may charge fees for participation in specialized building inspector training  
39 programs approved or established by the department.]

40 **SECTION 9.** ORS 455.740 is amended to read:

41 455.740. (1) [The Director of the Department of Consumer and Business Services may, upon notice  
42 and hearing, suspend or revoke the certification of any building official or inspector when it appears  
43 to the director by competent evidence that the building official or inspector:] **Subject to ORS chapter**  
44 **183, the Director of the Department of Consumer and Business Services may deny, condition,**  
45 **suspend, revoke or refuse to renew a certificate of a building official or inspector if the di-**

1 **rector finds that the building official or inspector has:**

2 (a) [*Has*] Consistently failed to act in the public interest in the performance of duties;

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

4 [*or*]

5 (c) Provided false information to the department[.]; **or**

6 **(d) Committed an act described in ORS 455.125 or 455.129.**

7 (2) In any revocation proceeding under this section, the municipality that employs the building  
8 official or inspector shall be entitled to appear as a party in interest, either for or against the re-  
9 vocation.

10 (3) When a certification is suspended or revoked under this section, the director may also sus-  
11 pend, deny or place conditions on that person's right to reapply for certification under ORS 455.735  
12 for a period not to exceed 12 months.

13 (4) [*Nothing in*] This section [*shall be construed to*] **does not** limit or otherwise affect the au-  
14 thority of a municipality to dismiss or suspend a building official or inspector at [*its*] **the** discretion  
15 **of the municipality.**

16 (5) Notwithstanding the requirements of subsections (1) to (4) of this section, the director may  
17 adopt rules [*which*] **that:**

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

19 (b) Extend continuing education compliance requirements in case of illness or hardship.

20 **SECTION 10. The amendments to ORS 455.715 and 455.735 by sections 6 and 8 of this 2009**  
21 **Act become operative January 2, 2018.**

22