

**Enrolled**  
**House Bill 2698**

Sponsored by Representative NATHANSON (at the request of Association of Oregon Counties)

CHAPTER .....

AN ACT

Relating to the state building code; creating new provisions; amending ORS 455.112, 455.715 and 455.735; and repealing sections 3 and 10, chapter 593, Oregon Laws 2009.

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

**SECTION 1.** Section 2 of this 2013 Act is added to and made a part of ORS 455.715 to 455.740.

**SECTION 2.** (1) As used in this section, “building code administrative region” means a region established by the Director of the Department of Consumer and Business Services under ORS 455.042 for the uniform administration of the state building code.

(2) The authority of the director under ORS 455.720 and section 2, chapter 593, Oregon Laws 2009, to specify terms, conditions and classifications for the certification of inspectors includes the authority to certify an inspector to perform inspections under multiple specialty codes or parts of a specialty code.

(3) The director may provide for an inspector who is likely to be employed within a specific building code administrative region to be certified to perform inspections throughout a building code administrative region, whether within or outside of a municipality. The director may recognize any training program certified by the director under ORS 455.725 or section 2, chapter 593, Oregon Laws 2009, for purposes of certifying an inspector to perform inspections throughout a building code administrative region. This subsection does not require a municipality administering and enforcing a building inspection program under ORS 455.148 or 455.150 to allow an inspector certified under this subsection who is not employed by the municipality to perform building inspections on behalf of the municipality.

(4) In determining the appropriate experience, training or other qualifications for an inspector under ORS 455.720 or section 2, chapter 593, Oregon Laws 2009, the director shall consult with the appropriate advisory boards. The factors to be considered by the director may include, but need not be limited to:

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

(b) Staffing levels or other specific criteria for building inspection programs established by a municipality where the inspector is likely to be employed or for building inspection programs established by the director; and

(c) Any factors specific to, or of particular relevance to, the building code administrative region within which the inspector is likely to be employed.

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

**SECTION 3.** ORS 455.112 is amended to read:

455.112. Notwithstanding [ORS 455.030 and 455.110] **any other provision of this chapter**, the Director of the Department of Consumer and Business Services may initiate the adoption of rules the director considers necessary to interpret, harmonize, streamline, adjust, **promote consistency within, reduce confusion regarding**, administer or enforce the state building code **or any requirement for a license, registration, certification, endorsement or other authorization to perform work related to the administration and enforcement of the state building code** when any provision of the state building code **or a requirement for authorization to perform work** is unclear, duplicative or in conflict with another or when the code **or a requirement for authorization to perform work** does not adequately address a project of a unique type or scope. The director must obtain the approval of the appropriate advisory boards prior to adopting a rule under this section.

**SECTION 4.** ORS 455.715, as amended by section 6, chapter 593, Oregon Laws 2009, is amended to read:

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

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

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

- (a) Structural;
- (b) Mechanical;
- (c) Plumbing;
- (d) Electrical; and
- (e) Low-rise residential dwelling.

(3) "Inspector" means:

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

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

(c) **A specialized building inspector certified under section 2, chapter 593, Oregon Laws 2009, who is employed by a municipality or by the Department of Consumer and Business Services;**

(d) **A person employed by a municipality or the department who is certified under section 2 of this 2013 Act to perform inspections under one or more specialty codes throughout a building code administrative region; or**

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

**SECTION 5.** ORS 455.735, as amended by section 8, chapter 593, Oregon Laws 2009, is amended to read:

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

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

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

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

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

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

**(7) The department may charge fees for participation in training programs approved or established by the department under ORS 455.220 or 455.715 to 455.740.**

**SECTION 6. Sections 3 and 10, chapter 593, Oregon Laws 2009, are repealed.**

**Passed by House April 2, 2013**

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate May 6, 2013**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M.,....., 2013

**Approved:**

.....M.,....., 2013

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John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2013

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Kate Brown, Secretary of State