

House Bill 2698

Sponsored by Representative NATHANSON (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 **as introduced**.

Eliminates sunset on provisions for training, qualifying and certifying specialized building inspectors.

Specifies authority of Director of Department of Consumer and Business Services to appoint building inspectors in multiple specialty codes. Allows appointment of building inspector to building code administrative region.

Gives director authority to initiate rules to promote consistency and reduce confusion regarding state building code and rules to promote consistency, reduce confusion or otherwise address problems regarding requirements for licensing or other authorization to perform work subject to state building code.

A BILL FOR AN ACT

1
2 Relating to the state building code; creating new provisions; amending ORS 455.112, 455.715 and
3 455.735; and repealing sections 3 and 10, chapter 593, Oregon Laws 2009.

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

5 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS 455.715 to**
6 **455.740.**

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

10 **(2) The authority of the director under ORS 455.720 and section 2, chapter 593, Oregon**
11 **Laws 2009, to specify terms, conditions and classifications for the certification of building**
12 **inspectors and specialized building inspectors, includes the authority to certify a building**
13 **inspector or specialized building inspector to perform inspections under multiple specialty**
14 **codes.**

15 **(3) The director may provide for a building inspector or specialized building inspector who**
16 **is likely to be employed within a specific building code administrative region to be certified**
17 **to perform inspections throughout a building code administrative region, whether within or**
18 **outside of a municipality. The director may recognize any training program certified by the**
19 **director under ORS 455.725 for purposes of certifying a building inspector or specialized**
20 **building inspector to perform inspections throughout a building code administrative region.**
21 **This subsection does not require a municipality administering and enforcing a building in-**
22 **spection program under ORS 455.148 or 455.150 to allow a building inspector certified under**
23 **this subsection who is not employed by the municipality to perform building inspections on**
24 **behalf of the municipality.**

25 **(4) In determining the appropriate experience, training or other qualifications for a**
26 **building inspector under ORS 455.720 or for a specialized building inspector under section 2,**
27 **chapter 593, Oregon Laws 2009, the factors considered by the director shall include, but need**

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 **not be limited to:**

2 (a) **Any factors specific to, or of particular relevance to, a specialty code or to the types**
 3 **of buildings, structures, systems or equipment inspected under the specialty code;**

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

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

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

11 455.112. Notwithstanding ORS 455.030 and 455.110, the Director of the Department of Consumer
 12 and Business Services may initiate the adoption of rules the director considers necessary to inter-
 13 pret, harmonize, streamline, adjust, **promote consistency within, reduce confusion regarding,**
 14 administer or enforce the state building code **or any requirement for a license, registration,**
 15 **certification, endorsement or other authorization to perform work that is subject to the**
 16 **state building code** when any provision of the state building code **or a requirement for authori-**
 17 **zation to perform work** is unclear, duplicative or in conflict with another or when the code **or a**
 18 **requirement for authorization to perform work** does not adequately address a project of a
 19 unique type or scope. The director must obtain the approval of the appropriate advisory boards prior
 20 to adopting a rule under this section.

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

23 455.715. As used in ORS 455.715 to 455.740, unless the context otherwise requires:

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

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

- 29 (a) Structural;
- 30 (b) Mechanical;
- 31 (c) Plumbing;
- 32 (d) Electrical; and
- 33 (e) Low-rise residential dwelling.

34 (3) "Inspector" means:

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

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

41 (c) **A specialized building inspector certified under section 2, chapter 593, Oregon Laws**
 42 **2009;**

43 (d) **A person certified as described under section 2 of this 2013 Act for performing in-**
 44 **spections under one or more specialty codes throughout a building code administrative re-**
 45 **gion; or**

1 **(e) A person designated by the Director of the Department of Consumer and Business**
2 **Services to ensure compliance with a specialty code or with any requirement for a license,**
3 **registration, certification, endorsement or other authorization to perform work that is sub-**
4 **ject to the state building code.**

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

7 455.735. (1) The Director of the Department of Consumer and Business Services may issue cer-
8 tificates for building officials and building inspectors under ORS 455.715 to 455.740.

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

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

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

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

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

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

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

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