

House Bill 3326

Sponsored by Representatives CLEM, SMITH, BENTZ, HOYLE; Representatives BAILEY, KENNEMER, RICHARDSON, WILLIAMSON, Senators BURDICK, EDWARDS, GIROD, JOHNSON, ROBLAN, THOMSEN

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**.

Makes legislative findings regarding structures in rural or remote areas.

Authorizes Director of Department of Consumer and Business Services to limit application of specialty code provision of state building code if director considers provision unclear, duplicative, inadequate or unsuitable for structure or structure uses. Authorizes director to adopt alternative standard if director considers specialty code provision unclear, duplicative, inadequate or unsuitable for structure or structure uses.

Authorizes building officials, plans examiners and department employees to provide consultation and advice regarding specific requirements to qualify project for plan approval.

Allows person constructing project at location within municipality having building inspection program to request provision of building inspection program services by department instead of municipality. Authorizes department to grant request and provide services. Allows department to make project subject to state administrative standards and fees, municipal administrative standards and fees or combination of state and municipal standards and fees. Authorizes department to contract with state agencies and local governments regarding project.

A BILL FOR AN ACT

1
2 Relating to the state building code.

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

4 **SECTION 1. Sections 2 to 5 of this 2013 Act are added to and made a part of ORS chapter**
5 **455.**

6 **SECTION 2. The Legislative Assembly finds and declares that:**

7 (1) **It is in the best interests of this state to encourage experimentation, innovation and**
8 **cost effectiveness in state building code regulations applicable to construction in rural or**
9 **remote parts of this state; and**

10 (2) **Special consideration should be given to structures built in rural or remote parts of**
11 **this state in order to address unclear, duplicative, inadequate or unsuitable provisions of the**
12 **state building code.**

13 **SECTION 3. (1) Notwithstanding any provision of this chapter or ORS chapter 460, 479,**
14 **480 or 693, the Director of the Department of Consumer and Business Services may limit the**
15 **application of a specialty code provision to exclude one or more types of structure or struc-**
16 **ture uses if the director considers the specialty code provision to be unclear, duplicative,**
17 **inadequate or unsuitable for the structure or structure uses.**

18 (2) **The director may adopt alternative requirements for the purpose of addressing un-**
19 **clear, duplicative, inadequate or unsuitable specialty code provisions. An alternative re-**
20 **quirement adopted by the director under this subsection is not an amendment or**
21 **modification of the state building code.**

22 (3) **The powers granted to the director under this section are in addition to any powers**
23 **granted to the director under ORS 455.030, 455.060, 455.065, 455.112 and 455.154. The director**
24 **may at the discretion of the director establish, terminate or change the nature or extent of**

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 a provision applicability limitation or alternative requirement under this section. A discre-
2 tionary action by the director under this section is not subject to appeal.

3 (4) Alternative requirements adopted by the director under this section may include, but
4 need not be limited to, requirements regarding the fire apparatus means of approach to a
5 property and the adequacy of a water supply. If an alternative requirement adopted by the
6 director under this section conflicts with any rules of the State Fire Marshal, the alternative
7 requirement shall apply.

8 **SECTION 4.** A building official as defined in ORS 455.715, a plans examiner acting under
9 the authority and direction of a building official or an employee of the Department of Con-
10 sumer and Business Services may consult with and advise an applicant for a building permit
11 regarding the plan content requirements and alternative possibilities for correcting defi-
12 ciencies in plan content in order to meet building code requirements and obtain plan ap-
13 proval. The consultation and advice may include the provision of calculations, acceptable
14 sizing of components that are subject to a specialty code and minimum requirements for
15 health and safety. A building official, plans examiner or department employee providing
16 consultation and advice under this section is not engaged in the practice of architecture for
17 purposes of ORS 671.010 to 671.220, the practice of landscape architecture for purposes of
18 ORS 671.310 to 671.459 or the practice of engineering for purposes of ORS 672.002 to 672.325.

19 **SECTION 5.** (1) Notwithstanding ORS 455.148 and 455.150, a person that wishes to obtain
20 building inspection program services for a project at a location within a municipality that
21 has a building inspection program may apply to the Department of Consumer and Business
22 Services for the department to provide the building inspection program services for the
23 project. The department may grant, deny or partially grant a request made under this sec-
24 tion at its discretion and the decision of the department is not subject to appeal. If the de-
25 partment grants the request, the department may provide all or part of the building
26 inspection program services for the project as agreed to by the requesting person and the
27 department, including, but not limited to, plan review and inspection services.

28 (2) Notwithstanding ORS 455.210 and ORS chapters 291 and 292, if the department pro-
29 vides services for a project under this section, the department may act to ensure that the
30 project proceeds in a timely, consistent and flexible manner by making the project subject
31 to state administrative standards and fees, the administrative standards and fees of the
32 municipality or a combination of state and municipal administrative standards and fees. The
33 department may enter into agreements with units of local government and state agencies
34 under ORS 190.110 as the department considers necessary to ensure that a project proceeds
35 in a timely, consistent and flexible manner.

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