

SENATE AMENDMENTS TO SENATE BILL 582

By COMMITTEE ON RURAL COMMUNITIES AND ECONOMIC DEVELOPMENT

April 24

1 On page 1 of the printed bill, line 2, delete “and” and after “ORS” delete the rest of the line
2 and line 3 and insert “455.148, 455.150 and 455.475; and declaring an emergency.”.

3 Delete lines 5 through 28 and delete pages 2 through 11 and insert:

4 **“SECTION 1. Sections 2 to 10 of this 2013 Act are added to and made a part of ORS**
5 **chapter 455.**

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

7 **“(1)(a) It is in the best interests of this state that construction-related development ac-**
8 **tivities proceed in a manner that is as quick and efficient as practicable;**

9 **“(b) Ensuring that construction-related development activities proceed quickly and effi-**
10 **ciently requires a flexible and responsive system for state building code administration and**
11 **enforcement; and**

12 **“(c) Having a flexible and responsive system for state building code administration and**
13 **enforcement requires that sufficient staff and resources be available to assist the Director**
14 **of the Department of Consumer and Business Services as needed.**

15 **“(2) It is in the best interests of this state that state building code regulations encourage**
16 **economic development, experimentation, innovation and cost effectiveness in construction,**
17 **especially construction in rural or remote parts of this state.**

18 **“SECTION 3. (1) When adopting the state building code, the Director of the Department**
19 **of Consumer and Business Services shall give special consideration to the unique needs of**
20 **construction in rural or remote parts of this state.**

21 **“(2) Notwithstanding ORS 476.030, 476.033, 476.035, 476.150 or 476.155, the director or a**
22 **local building official administering a building inspection program under ORS 455.148 or**
23 **455.150 may determine whether the structure as set forth in the plans and specifications or**
24 **as constructed meets the standards of the state building code, including but not limited to**
25 **fire and life safety standards. The State Fire Marshal, or a local fire official for a govern-**
26 **mental subdivision exempted from State Fire Marshal regulations as described under ORS**
27 **476.030, may provide advice to building officials, inspectors or Department of Consumer and**
28 **Business Services employees concerning state building code standards. A local building offi-**
29 **cial or department employee shall give consideration to advice of the State Fire Marshal or**
30 **local fire official that does not conflict with the state building code, but shall retain the au-**
31 **thority to make final decisions regarding the code.**

32 **“SECTION 4. (1) A Department of Consumer and Business Services employee acting**
33 **within the scope of that employment may provide typical plans and specifications:**

34 **“(a) For structures of a type for which the provision of plans or specifications is ex-**
35 **empted under ORS 671.030 from the application of ORS 671.010 to 671.220 and exempted under**

1 ORS 672.060 from the application of ORS 672.002 to 672.325; and

2 “(b) Notwithstanding ORS 671.010 to 671.220 and 672.002 to 672.325, for structures that are
3 metal or wood frame Use and Occupancy Classification Group U structures under the
4 structural specialty code.

5 “(2) A building official or inspector, as those terms are defined in ORS 455.715, when
6 acting within the scope of direct employment by a municipality, may provide typical plans
7 and specifications for structures of a type for which the provision of plans or specifications
8 is exempted under ORS 671.030 from the application of ORS 671.010 to 671.220 and exempted
9 under ORS 672.060 from the application of ORS 672.002 to 672.325.

10 “(3) This section does not alter any applicable requirement under ORS 671.010 to 671.220
11 or 672.002 to 672.325 regarding stamps and seals for a set of plans for a structure.

12 “**SECTION 5.** (1) Notwithstanding ORS 455.148, 455.150 and 455.153, upon request by one
13 or more municipalities and with the consent of all affected parties, the Director of the De-
14 partment of Consumer and Business Services may enter into an agreement for the Depart-
15 ment of Consumer and Business Services to uniformly administer and enforce all or a
16 portion of a building inspection program within a geographic area. The geographic area may
17 be a municipality, a region comprising parts of more than one municipality or a region
18 comprising multiple municipalities. The geographic area need not correspond to the juris-
19 dictional boundaries of municipalities. The agreement may provide for the department to
20 perform administration and enforcement for a specified period or for carrying out one or
21 more particular projects.

22 “(2) The terms of an agreement under this section may specify whether the department
23 is to utilize department resources or combine resources with one or more of the munici-
24 palities to carry out an agreement. An agreement may combine department and local gov-
25 ernment resources in any manner that the parties believe will provide for the efficient and
26 uniform administration of the building inspection program within the geographic area, in-
27 cluding but not limited to full, divided, mutual or joint performance of any of the adminis-
28 trative or enforcement functions by any of the parties to the agreement. A decision by the
29 director regarding whether to enter into an agreement under this section, and the content
30 of any agreement that the director enters into under this section, is not subject to review
31 by the Attorney General or the Oregon Department of Administrative Services and is subject
32 to challenge or appeal under ORS chapter 183 only for failure to comply with an express re-
33 quirement created under sections 5 to 9 of this 2013 Act.

34 “(3) An agreement under this section is not an abandonment of a building inspection
35 program for purposes of ORS 455.148 or 455.150.

36 “**SECTION 6.** (1) An agreement under section 5 of this 2013 Act may provide for the
37 parties to the agreement to share any fee revenue generated by the administration and
38 enforcement of the agreement and to expend the fee revenue anywhere within the geographic
39 area covered by the agreement.

40 “(2) Notwithstanding ORS 455.210, if an agreement under section 5 of this 2013 Act pro-
41 vides for the Department of Consumer and Business Services to administer and enforce a
42 building inspection program for which one or more municipalities have adopted a fee or
43 hourly rate, subject to subsection (3)(a) of this section the department may charge the
44 municipally adopted fee or hourly rate when providing the building inspection program ser-
45 vices within a municipality.

1 **“(3) Fees described in subsection (2) of this section that are charged by the department:**

2 **“(a) Are subject to any surcharges described under ORS 455.210, 455.220 or 455.447; and**

3 **“(b) Notwithstanding ORS 455.210, are not subject to Oregon Department of Administra-**
4 **tive Services approval.**

5 **“(4) Notwithstanding ORS 293.265, moneys from fees described in this section that are**
6 **collected or received by, or in the possession of, a party to an agreement under section 5 of**
7 **this 2013 Act and are to be expended by or on behalf of the state shall be turned over to the**
8 **State Treasurer no later than one business day after the parties to the agreement have de-**
9 **termined that the moneys are moneys to be expended by or on behalf of the state.**

10 **“SECTION 7. (1) Subject to ORS 293.235 to 293.245, 293.250, 293.260 to 293.280, 293.285 and**
11 **293.293 and any rules adopted under ORS 293.235 to 293.245, 293.250, 293.260 to 293.280, 293.285**
12 **and 293.293, and notwithstanding ORS chapter 240, 276, 282, 283, 291 or 292 or other provisions**
13 **of ORS chapter 293 or the rules adopted under ORS chapter 240, 276, 282, 283, 291 or 292,**
14 **except as provided under this section the Director of the Department of Consumer and**
15 **Business Services may take any action the director considers reasonable to ensure that**
16 **sufficient staff and other resources are available for the administration and enforcement of**
17 **the state building code. Subject to subsections (2) to (5) of this section, actions that the di-**
18 **rector may take under this section include, but are not limited to:**

19 **“(a) Utilizing municipal personnel, or hiring former municipal personnel, to carry out the**
20 **administrative and enforcement duties of the Department of Consumer and Business Ser-**
21 **vices under an agreement described in section 5 of this 2013 Act;**

22 **“(b) Employing additional Department of Consumer and Business Services staff for car-**
23 **rying out the administrative and enforcement duties of the department under an agreement**
24 **described in section 5 of this 2013 Act; and**

25 **“(c) Expending available resources to carry out department responsibilities to provide**
26 **sufficient staff and other resources under an agreement described in section 5 of this 2013**
27 **Act.**

28 **“(2) Subsection (1) of this section does not authorize action within a municipality ad-**
29 **ministering and enforcing a building inspection program under ORS 455.148 or 455.150 except**
30 **as provided in an agreement described in section 5 of this 2013 Act to which the municipality**
31 **is a party or has consented.**

32 **“(3) The utilization of municipal personnel or hiring of former municipal personnel under**
33 **subsection (1)(a) of this section is subject to any applicable collective bargaining agreements**
34 **and may not be used to displace any state employee. Municipal personnel whom the depart-**
35 **ment utilizes under subsection (1)(a) of this section retain their status as municipal person-**
36 **nel for purposes of ORS 30.260 to 30.300 while carrying out the administrative and**
37 **enforcement duties of the department under an agreement.**

38 **“(4) The employment of additional staff under subsection (1)(b) of this section is subject**
39 **to any limitations established by the Legislative Assembly on the number of total personnel**
40 **approved for the department. To the extent practicable, the director shall give preference to**
41 **the use of available state employees to fulfill additional staffing requirements.**

42 **“(5) The employment of additional staff under subsection (1)(b) of this section and the**
43 **expenditure of available resources under subsection (1)(c) of this section must be predicated**
44 **upon the availability of adequate revenue, which may include but need not be limited to re-**
45 **venue derived from municipal sources through an agreement described under section 5 of**

1 this 2013 Act. The use of existing revenue and available resources to carry out an agreement
2 under section 5 of this 2013 Act is not an addition to or amendment of the legislatively
3 adopted budget for the department.

4 “(6) Notwithstanding ORS 455.230, the director may use moneys deposited in the Con-
5 sumer and Business Services Fund from fees collected under this section for the purpose of
6 paying the department’s costs of carrying out the administrative and enforcement duties of
7 the department within any administrative region established by the director or a geographic
8 region established by an agreement under section 5 of this 2013 Act or for the purpose of
9 assisting a local government to carry out an agreement under section 5 of this 2013 Act.

10 “**SECTION 8.** (1) If the Department of Consumer and Business Services assumes the ad-
11 ministration and enforcement of a building inspection program that has been surrendered
12 or abandoned by a municipality, and immediately prior to the surrender or abandonment the
13 municipality was charging a fee adopted under ORS 455.210 (3) that was different from the
14 fee authorized under ORS 455.210 (1) for the same services, the department may charge the
15 fee adopted by the municipality for the services that the department provides under the
16 program.

17 “(2) Fees described in subsection (1) of this section that are charged by the department:

18 “(a) Are subject to any surcharges described under ORS 455.210, 455.220 or 455.447; and

19 “(b) Notwithstanding ORS 455.210, are not subject to Oregon Department of Administra-
20 tive Services approval.

21 “**SECTION 9.** Notwithstanding any surcharge use described in ORS 455.210 (4), the Di-
22 rector of the Department of Consumer and Business Services may use moneys from sur-
23 charges imposed under ORS 455.210 (4) for the purpose of paying the Department of
24 Consumer and Business Services’ costs of carrying out the administration and enforcement
25 of the state building code within an administrative region established by the director or a
26 geographic region established by an agreement that the director enters into under section 5
27 of this 2013 Act.

28 “**SECTION 10.** The Director of the Department of Consumer and Business Services:

29 “(1) May adopt rules, establish policies and procedures and take other actions the direc-
30 tor considers reasonable or expedient for carrying out agreements under section 5 of this
31 2013 Act or under ORS 455.148 (13) or 455.150 (13) and any duties, functions and powers of the
32 director or the Department of Consumer and Business Services under sections 5 to 9 of this
33 2013 Act or ORS 455.148 (13) or 455.150 (13);

34 “(2) Shall consult at least annually with appropriate advisory boards regarding any
35 agreements under section 5 of this 2013 Act or actions taken by the director under sections
36 5 to 9 of this 2013 Act or ORS 455.148 (13) or 455.150 (13); and

37 “(3) Shall report annually to the Legislative Assembly as provided under ORS 192.230 to
38 192.250 regarding any department activities under sections 5 to 9 of this 2013 Act or ORS
39 455.148 (13) or 455.150 (13). The report shall include, but not be limited to, information re-
40 garding any projected need for an increase in department resources required for carrying
41 out the administration and enforcement of building inspection programs under sections 5 to
42 9 of this 2013 Act or under ORS 455.148 (13) or 455.150 (13).

43 “**SECTION 11.** ORS 455.148 is amended to read:

44 “455.148. (1)(a) A municipality that assumes the administration and enforcement of a building
45 inspection program shall administer and enforce the program for all of the following:

1 “(A) The state building code, as defined in ORS 455.010, except as set forth in paragraph (b) of
2 this subsection.

3 “(B) Manufactured structure installation requirements under ORS 446.155, 446.185 (1) and
4 446.230.

5 “(C) Manufactured dwelling parks and mobile home parks under ORS chapter 446.

6 “(D) Park and camp programs regulated under ORS 455.680.

7 “(E) Tourist facilities regulated under ORS 446.310 to 446.350.

8 “(F) Manufactured dwelling alterations regulated under ORS 446.155.

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

10 “(H) Boilers and pressure vessels described in rules adopted under ORS 480.525 (5).

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

12 “(A) Boiler and pressure vessel programs under ORS 480.510 to 480.670 except those described
13 in rules adopted under ORS 480.525 (5);

14 “(B) Elevator programs under ORS 460.005 to 460.175;

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

16 “(D) Prefabricated structure regulation under ORS chapter 455;

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

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

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

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

28 “(3) When a municipality administers a building inspection program, the governing body of the
29 municipality shall, unless other means are already provided, appoint a person to administer and
30 enforce the building inspection program, who shall be known as the building official. A building of-
31 ficial shall, in the municipality for which appointed, attend to all aspects of code enforcement, in-
32 cluding the issuance of all building permits. Two or more municipalities may combine in the
33 appointment of a single building official for the purpose of administering a building inspection pro-
34 gram within their communities.

35 “(4)(a) By January 1 of the year preceding the expiration of the four-year period described in
36 subsection (2) of this section, the governing body of the municipality shall notify the Director of the
37 Department of Consumer and Business Services and, if the municipality is not a county, notify the
38 county whether the municipality will continue to administer and enforce the building inspection
39 program after expiration of the four-year period.

40 “(b) Notwithstanding the January 1 date set forth in paragraph (a) of this subsection, the di-
41 rector and the municipality and, if the municipality is not a county, the county may by agreement
42 extend that date to no later than March 1.

43 “(5) If a city does not notify the director, or notifies the director that it will not administer the
44 building inspection program, the county or counties in which the city is located shall administer and
45 enforce the county program within the city in the same manner as the program is administered and

1 enforced outside the city, except as provided by subsection (6) of this section.

2 “(6) If a county does not notify the director, or notifies the director that it will not administer
3 and enforce a building inspection program, the director shall contract with a municipality or other
4 person or use such state employees or state agencies as are necessary to administer and enforce a
5 building inspection program, and permit or other fees arising therefrom shall be paid into the Con-
6 sumer and Business Services Fund created by ORS 705.145 and credited to the account responsible
7 for paying the expenses thereof. A state employee may not be displaced as a result of using contract
8 personnel.

9 “(7) The governing body of a municipality may commence responsibility for the administration
10 and enforcement of a building inspection program beginning July 1 of any year by notifying the di-
11 rector no later than January 1 of the same year and obtaining the director’s approval of an as-
12 sumption plan as described in subsection (11)(c) of this section.

13 “(8) The department shall adopt rules to require the governing body of each municipality as-
14 suming or continuing a building inspection program under this section to submit a written plan with
15 the notice required under subsection (4) or (7) of this section. If the department is the governing
16 body, the department shall have a plan on file. The plan must specify how cooperation with the State
17 Fire Marshal or a designee of the State Fire Marshal will be achieved and how a uniform fire code
18 will be considered in the review process of the design and construction phases of buildings or
19 structures.

20 “(9) A municipality that administers and enforces a building inspection program pursuant to this
21 section shall recognize and accept the performances of state building code activities by businesses
22 and persons authorized under ORS 455.457 to perform the activities as if the activities were per-
23 formed by the municipality. A municipality is not required to accept an inspection, a plan or a plan
24 review that does not meet the requirements of the state building code.

25 “(10) The department or a municipality that accepts an inspection or plan review as required
26 by this section by a person licensed under ORS 455.457 has no responsibility or liability for the ac-
27 tivities of the licensee.

28 “(11) In addition to the requirements of ORS 455.100 and 455.110, the director shall regulate
29 building inspection programs that municipalities assume on or after January 1, 2002. Regulation
30 under this subsection shall include but not be limited to:

31 “(a) Creating building inspection program application and amendment requirements and proce-
32 dures;

33 “(b) Granting or denying applications for building inspection program authority and amend-
34 ments;

35 “(c) Requiring a municipality assuming a building inspection program to submit with the notice
36 given under subsection (7) of this section an assumption plan that includes, at a minimum:

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

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

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

42 “(D) Proposed staffing levels; and

43 “(E) Proposed service levels;

44 “(d) Reviewing procedures and program operations of municipalities;

45 “(e) Creating standards for efficient, effective, timely and acceptable building inspection pro-

1 grams;

2 “(f) Creating standards for justifying increases in building inspection program fees adopted by

3 a municipality;

4 “(g) Creating standards for determining whether a county or department building inspection

5 program is economically impaired in its ability to reasonably continue providing the program

6 throughout a county, if another municipality is allowed to provide a building inspection program

7 within the same county; and

8 “(h) Enforcing the requirements of this section.

9 “(12) The department may assume administration **and enforcement** of a building inspection

10 program:

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

12 “(b) If a municipality abandons or is no longer able to administer the building inspection pro-

13 gram; and

14 “(c) If a municipality fails to substantially comply with any provision of this section or of ORS

15 455.465, 455.467 and 455.469.

16 “(13) **If the department assumes the administration and enforcement of a building in-**

17 **spection program under this section, in addition to any other power granted to the director,**

18 **the director may:**

19 “(a) **Enter into agreements with local governments under section 5 of this 2013 Act re-**

20 **garding the administration and enforcement of the assumed building inspection program;**

21 “(b) **Take action as described in section 7 of this 2013 Act to ensure that sufficient staff**

22 **and other resources are available for the administration and enforcement of the assumed**

23 **building inspection program; and**

24 “(c) **Charge fees described in section 8 of this 2013 Act for department services provided**

25 **in administering and enforcing the assumed building inspection program.**

26 “[~~13~~] (14) A municipality that abandons or otherwise ceases to administer **and enforce** a

27 building inspection program that the municipality assumed under this section may not resume the

28 administration or enforcement of the program for at least two years. The municipality may resume

29 the administration and enforcement of the abandoned program only on July 1 of an odd-numbered

30 year. Prior to resuming the administration and enforcement of the program, the municipality must

31 follow the notification procedure set forth in subsection (7) of this section.

32 “**SECTION 12.** ORS 455.150 is amended to read:

33 “455.150. (1) Except as provided in subsection [~~14~~] (15) of this section, a municipality that as-

34 sumes the administration and enforcement of a building inspection program prior to January 1, 2002,

35 may administer and enforce all or part of a building inspection program. A building inspection pro-

36 gram:

37 “(a) Is a program that includes the following:

38 “(A) The state building code, as defined in ORS 455.010, except as set forth in paragraph (b) of

39 this subsection.

40 “(B) Manufactured structure installation requirements under ORS 446.155, 446.185 (1) and

41 446.230.

42 “(C) Manufactured dwelling parks and mobile home parks under ORS chapter 446.

43 “(D) Park and camp programs regulated under ORS 455.680.

44 “(E) Tourist facilities regulated under ORS 446.310 to 446.350.

45 “(F) Manufactured dwelling alterations regulated under ORS 446.155.

1 “(G) Manufactured structure accessory buildings and structures under ORS 446.253.
2 “(H) Boilers and pressure vessels described in rules adopted under ORS 480.525 (5).
3 “(b) Is not a program that includes:
4 “(A) Boiler and pressure vessel programs under ORS 480.510 to 480.670 except those described
5 in rules adopted under ORS 480.525 (5);
6 “(B) Elevator programs under ORS 460.005 to 460.175;
7 “(C) Amusement ride regulation under ORS 460.310 to 460.370;
8 “(D) Prefabricated structure regulation under ORS chapter 455;
9 “(E) Manufacture of manufactured structures programs under ORS 446.155 to 446.285, including
10 the administration and enforcement of federal manufactured dwelling construction and safety stan-
11 dards adopted under ORS 446.155 or the National Manufactured Housing Construction and Safety
12 Standards Act of 1974;
13 “(F) Licensing and certification, or the adoption of statewide codes and standards, under ORS
14 chapter 446, 447, 455, 479 or 693; and
15 “(G) Review of plans and specifications as provided in ORS 455.685.
16 “(2) A municipality that administers a building inspection program as allowed under this section
17 shall do so for periods of four years. The Department of Consumer and Business Services shall adopt
18 rules to adjust time periods for administration of a building inspection program to allow for vari-
19 ations in the needs of the department and participants.
20 “(3) When a municipality administers a building inspection program, the governing body of the
21 municipality shall, unless other means are already provided, appoint a person to administer and
22 enforce the building inspection program or parts thereof, who shall be known as the building official.
23 A building official shall, in the municipality for which appointed, attend to all aspects of code
24 enforcement, including the issuance of all building permits. Two or more municipalities may combine
25 in the appointment of a single building official for the purpose of administering a building inspection
26 program within their communities.
27 “(4)(a) By January 1 of the year preceding the expiration of the four-year period described in
28 subsection (2) of this section, the governing body of the municipality shall notify the Director of the
29 Department of Consumer and Business Services and, if not a county, notify the county whether the
30 municipality will continue to administer the building inspection program, or parts thereof, after ex-
31 piration of the four-year period. If parts of a building inspection program are to be administered and
32 enforced by a municipality, the parts shall correspond to a classification designated by the director
33 as reasonable divisions of work.
34 “(b) Notwithstanding the January 1 date set forth in paragraph (a) of this subsection, the di-
35 rector and the municipality and, if the municipality is not a county, the county may by agreement
36 extend that date to no later than March 1.
37 “(5) If a city does not notify the director, or notifies the director that it will not administer
38 certain specialty codes or parts thereof under the building inspection program, the county or coun-
39 ties in which the city is located shall administer and enforce those codes or parts thereof within the
40 city in the same manner as it administers and enforces them outside the city, except as provided
41 by subsection (6) of this section.
42 “(6) If a county does not notify the director, or notifies the director that it will not administer
43 and enforce certain specialty codes or parts thereof under the building inspection program, the di-
44 rector shall contract with a municipality or other person or use such state employees or state
45 agencies as are necessary to administer and enforce those codes or parts thereof, and permit or

1 other fees arising therefrom shall be paid into the Consumer and Business Services Fund created
2 by ORS 705.145 and credited to the account responsible for paying such expenses. A state employee
3 may not be displaced as a result of using contract personnel.

4 “(7) If a municipality administering a building inspection program under this section seeks to
5 administer additional parts of a program, the municipality must comply with ORS 455.148, including
6 the requirement that the municipality administer and enforce all aspects of the building inspection
7 program. Thereafter, the municipality is subject to ORS 455.148 and ceases to be subject to this
8 section.

9 “(8) The department shall adopt rules to require the governing body of each municipality to
10 submit a written plan with the notice required under subsection (4) of this section. If the department
11 is the governing body, the department shall have a plan on file. The plan shall specify how cooper-
12 ation with the State Fire Marshal or a designee of the State Fire Marshal will be achieved and how
13 a uniform fire code will be considered in the review process of the design and construction phases
14 of buildings or structures.

15 “(9) A municipality that administers a code for which persons or businesses are authorized un-
16 der ORS 455.457 to perform activities shall recognize and accept those activities as if performed by
17 the municipality. A municipality is not required to accept an inspection, a plan or a plan review that
18 does not meet the requirements of the state building code.

19 “(10) The department or a municipality that accepts an inspection or plan review as required
20 by this section by a person licensed under ORS 455.457 has no responsibility or liability for the ac-
21 tivities of the licensee.

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

25 “(a) Creating building inspection program application and amendment requirements and proce-
26 dures;

27 “(b) Granting or denying applications for building inspection program authority and amend-
28 ments;

29 “(c) Reviewing procedures and program operations of municipalities;

30 “(d) Creating standards for efficient, effective, timely and acceptable building inspection pro-
31 grams;

32 “(e) Creating standards for justifying increases in building inspection program fees adopted by
33 a municipality;

34 “(f) Creating standards for determining whether a county or department building inspection
35 program is economically impaired in its ability to reasonably continue providing the program or part
36 of the program throughout a county, if another municipality is allowed to provide a building in-
37 spection program or part of a program within the same county; and

38 “(g) Enforcing the requirements of this section.

39 “(12) The department may assume administration **and enforcement** of a building inspection
40 program:

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

42 “(b) If a municipality abandons any part of the building inspection program or is no longer able
43 to administer the building inspection program; and

44 “(c) If a municipality fails to substantially comply with any provision of this section or of ORS
45 455.465, 455.467 and 455.469.

1 “(13) If the department assumes the administration and enforcement of a building in-
2 spection program under this section, in addition to any other power granted to the director,
3 the director may:

4 “(a) Enter into agreements with local governments under section 5 of this 2013 Act re-
5 garding the administration and enforcement of the assumed building inspection program;

6 “(b) Take action as described in section 7 of this 2013 Act to ensure that sufficient staff
7 and other resources are available for the administration and enforcement of the assumed
8 building inspection program; and

9 “(c) Charge fees described in section 8 of this 2013 Act for department services provided
10 in administering and enforcing the assumed building inspection program.

11 “[(13)] (14) If a municipality abandons or otherwise ceases to administer all or part of a building
12 inspection program described in this section, the municipality may not resume the administration
13 and enforcement of the abandoned program or part of a program for at least two years. The
14 municipality may resume the administration and enforcement of the abandoned program or part of
15 a program only on July 1 of an odd-numbered year. To resume the administration and enforcement
16 of the abandoned program or part of a program, the municipality must comply with ORS 455.148,
17 including the requirement that the municipality administer and enforce all aspects of the building
18 inspection program. Thereafter, the municipality is subject to ORS 455.148 and ceases to be subject
19 to this section.

20 “[(14)] (15) A municipality that administers and enforces a building inspection program under
21 this section shall include in the program the inspection of boilers and pressure vessels described in
22 subsection (1)(a)(H) of this section.

23 “**SECTION 13.** ORS 455.475 is amended to read:

24 “455.475. (1) [A person aggrieved by] **An applicant for a building permit may appeal** a deci-
25 sion made by a building official under authority established pursuant to ORS 455.148, 455.150 or
26 455.467 [may appeal the decision]. The following apply to an appeal under this [section] **subsection:**

27 “[(1)] (a) An appeal [under this section] **regarding the interpretation or application of a**
28 **particular specialty code provision** shall be made first to the appropriate specialty code chief in-
29 spector of the Department of Consumer and Business Services. The decision of the department chief
30 inspector may be appealed to the appropriate advisory board. The decision of the advisory board
31 may only be appealed to the Director of the Department of Consumer and Business Services if codes
32 in addition to the applicable specialty code are at issue.

33 “[(2)] (b) If the appropriate advisory board determines that a decision by the department chief
34 inspector is a major code interpretation, then the inspector shall distribute the decision in writing
35 to all applicable specialty code public and private inspection authorities in the state. The decision
36 shall be distributed within 60 days after the board’s determination, and there shall be no charge for
37 the distribution of the decision. As used in this [subsection] **paragraph**, a ‘major code
38 interpretation’ means a code interpretation decision that affects or may affect more than one job site
39 or more than one inspection jurisdiction.

40 “(2) **Except as provided in subsection (1) of this section, an applicant for a building permit**
41 **may appeal the decision of a building official on any matter relating to the administration**
42 **and enforcement of this chapter to the department. The appeal must be in writing. A deci-**
43 **sion by the department on an appeal filed under this subsection is subject to judicial review**
44 **as provided in ORS 183.484.**

45 “(3) If an appeal is made under this section, an inspection authority shall extend the plan review

1 deadline by the number of days it takes for a final decision to be issued for the appeal.

2 **SECTION 14. This 2013 Act being necessary for the immediate preservation of the public**
3 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
4 **on its passage.”**

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