

Senate Bill 609

Sponsored by Senator CLOSE

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**.

Changes requirements for obtaining certification as building official or building inspector.

A BILL FOR AN ACT

1
2 Relating to persons responsible for ensuring compliance with the state building code; creating new
3 provisions; and amending ORS 455.720, 455.725, 455.737 and 455.740 and section 2, chapter 593,
4 Oregon Laws 2009.

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

6 **SECTION 1.** ORS 455.720 is amended to read:

7 455.720. (1) In accordance with applicable provisions of ORS chapter 183, to promote effective
8 and uniform enforcement of the state building code by improving the competence of building officials
9 and inspectors, the Director of the Department of Consumer and Business Services, with the advice
10 of the advisory boards, shall:

11 (a) Establish for building officials and inspectors reasonable minimum **licensing, certification**
12 **or** training and experience standards, including but not limited to courses or subjects for instruc-
13 tion, facilities for instruction, qualification of instructors and methods of instruction. [*The standards*
14 *shall include provisions for determining a practical experience equivalent.*]

15 (b) Establish a procedure to be used by municipalities to determine whether a person meets
16 minimum standards [*or has minimum training*] to be appointed or employed as a building official or
17 inspector. [*The procedure shall allow for a field examination of a person to determine if the person*
18 *meets the practical experience equivalent of a minimum standard.*]

19 (c) Subject to such terms, conditions and classifications as the director may impose, certify
20 building officials as being qualified, and revoke such certifications in the manner provided in ORS
21 455.740.

22 (d) Require an applicant for a certificate as a building official or inspector to demonstrate
23 knowledge of the laws governing accessibility to buildings by persons with disabilities by passing
24 an examination prescribed by the director.

25 **(2) The minimum standards for certifying building officials and inspectors under sub-**
26 **section (1) of this section shall include, but need not be limited to, requirements that in-**
27 **spections, administration and enforcement:**

28 (a) **Under the Electrical Safety Law be performed by a person licensed in this state as a**
29 **general journeyman electrician.**

30 (b) **Under the plumbing specialty code be performed by a person licensed in this state as**
31 **a journeyman plumber.**

32 (c) **Under the structural code be performed by a person registered in this state as an**

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 **architect or engineer or by a person having four years or more of key employee experience**
 2 **as described in ORS 701.050 (2) and (3).**

3 **(d) Under a specialty code that is not described in paragraphs (a) to (c) of this subsection**
 4 **be performed by a person who has completed a training course approved under ORS 455.725**
 5 **pertaining to that specialty code.**

6 [(2)] (3) The director shall maintain and, upon request of municipalities, furnish information on
 7 applicants for appointment or employment as building officials or inspectors.

8 [(3)] (4) Pursuant to ORS chapter 183, the director shall adopt rules necessary to carry out the
 9 certification programs provided by subsection (1) of this section.

10 [(4)] (5) The director, by rule, may require evidence of completion of continuing education cov-
 11 ering any certification created under this section as a condition of maintaining the certification.
 12 Nothing in this subsection shall prohibit the director from delegating any of this power to a
 13 municipality.

14 [(5)] (6) The director, with the advice of the appropriate advisory boards, may adopt rules for
 15 certifying inspectors as being qualified to enforce one or more particular specialty codes, subject to
 16 **subsection (2) of this section and** any terms, conditions and classifications the director may im-
 17 pose, and for revoking those certifications in the manner provided in ORS 455.740.

18 **SECTION 2.** ORS 455.725 is amended to read:

19 455.725. (1) Upon application, the Director of the Department of Consumer and Business Services
 20 or an authorized representative shall examine and evaluate any program or facility established by
 21 a municipality or educational institution for the training of building officials, inspectors and spe-
 22 cialty code inspectors and plan reviewers licensed under ORS 455.457.

23 (2) If the director finds that a training program is qualified under the minimum requirements
 24 established pursuant to ORS 455.720, the director shall, in writing, certify the training program as
 25 being qualified for such a period of time and upon such conditions as the director may prescribe.
 26 **Except as provided in ORS 455.720 (2),** an individual complies with any minimum requirement for
 27 building officials or inspectors established pursuant to ORS 455.720 when the individual satisfac-
 28 torily completes a training program certified under this section.

29 **SECTION 3.** ORS 455.737 is amended to read:

30 455.737. (1) Notwithstanding ORS 455.720 (1), the Director of the Department of Consumer and
 31 Business Services, by rule, shall adopt criteria for review of the experience and training in building
 32 inspection and building plan review acquired by a person outside the State of Oregon. The criteria
 33 shall be adopted in a manner that facilitates review of a person's qualifications by a local building
 34 official. **The criteria shall require that the person possess licensing, certification or training**
 35 **and experience that is substantially equivalent to the licensing, certification or training and**
 36 **experience required under ORS 455.720 to qualify an applicant for certification under ORS**
 37 **455.735.**

38 (2)(a) A local building official who wishes to employ a person who is not certified under ORS
 39 455.735 as an inspector shall submit the person's qualifications to the director. The director shall
 40 review the stated qualifications against the criteria adopted under subsection (1) of this section,
 41 including verification of experience and training. The director shall respond to the local building
 42 official in writing within 10 working days of receiving the applicant's qualifications, stating whether
 43 the person meets the applicable criteria.

44 (b) Upon application and payment of the required fee, the director shall allow a person whose
 45 qualifications meet the criteria adopted under subsection (1) of this section to sit for any examina-

tion necessary for the required certification.

SECTION 4. ORS 455.740 is amended to read:

455.740. (1) Subject to ORS chapter 183, the Director of the Department of Consumer and Business Services may deny, condition, suspend, revoke or refuse to renew a certificate of a building official or inspector if the director finds that the building official or inspector has:

- (a) Consistently failed to act in the public interest in the performance of duties;
- (b) Failed to complete the continuing education requirements as required under ORS 455.720 [(4)] (5);
- (c) Provided false information to the department; or
- (d) Committed an act described in ORS 455.125 or 455.129.

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

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

(4) This section does not limit or otherwise affect the authority of a municipality to dismiss or suspend a building official or inspector at the discretion of the municipality.

(5) Notwithstanding the requirements of subsections (1) to (4) of this section, the director may adopt rules that:

- (a) Allow certifications to be placed on inactive status; and
- (b) Extend continuing education compliance requirements in case of illness or hardship.

SECTION 5. Section 2, chapter 593, Oregon Laws 2009, is amended to read:

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

- (a) Work experience, training and other qualifications for program participation;
- (b) Content and presentation requirements for training programs;
- (c) Methods for verifying the qualification of the individual to enforce portions of specialty codes as a specialized building inspector certified under this section;
- (d) The portions of various specialty codes that each program will enable a qualifying individual to enforce and any terms, conditions or classifications applicable for that enforcement; and
- (e) Requirements the director believes reasonable for the administration and enforcement of this section.

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

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

1 by the director by rule.

2 **(4) An individual certified as a specialized building inspector under this section:**

3 **(a) Who conducts any inspection or enforcement under the Electrical Safety Law must**
4 **work under the supervision of a person licensed in this state as a general journeyman**
5 **electrician.**

6 **(b) Who conducts any inspection or enforcement under the plumbing specialty code must**
7 **work under the supervision of a person licensed in this state as a journeyman plumber.**

8 **(c) Who conducts any inspection or enforcement under the structural code must work**
9 **under the supervision of a person registered in this state as an architect or engineer or by**
10 **a person having four years or more of key employee experience as described in ORS 701.050**
11 **(2) and (3).**

12 **(d) Who conducts any inspection or enforcement under a specialty code that is not de-**
13 **scribed in paragraphs (a) to (c) of this section must work under the supervision of a person**
14 **who has completed a training course approved under ORS 455.725 pertaining to that specialty**
15 **code.**

16 **SECTION 6. (1) The amendments to ORS 455.720, 455.725 and 455.737 by sections 1 to 3**
17 **of this 2013 Act apply to persons filing applications on or after the effective date of this 2013**
18 **Act for the issuance of initial certifications under ORS 455.735 as building officials or in-**
19 **spectors.**

20 **(2) The amendments to section 2, chapter 593, Oregon Laws 2009, by section 5 of this 2013**
21 **Act apply to specialized building inspectors performing work for which the inspector became**
22 **certified on or after the effective date of this 2013 Act.**

23