

**PROPOSED AMENDMENTS TO
SENATE BILL 582**

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

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

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

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

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

11 **“(b) Ensuring that construction-related development activities pro-
12 ceed quickly and efficiently requires a flexible and responsive system
13 for state building code administration and enforcement; and**

14 **“(c) Having a flexible and responsive system for state building code
15 administration and enforcement requires that sufficient staff and re-
16 sources be available to assist the Director of the Department of Con-
17 sumer and Business Services as needed.**

18 **“(2) It is in the best interests of this state that state building code
19 regulations encourage economic development, experimentation, inno-
20 vation and cost effectiveness in construction, especially construction
21 in rural or remote parts of this state.**

22 **“SECTION 3. (1) When adopting the state building code, the Direc-**

1 tor of the Department of Consumer and Business Services shall give
2 special consideration to the unique needs of construction in rural or
3 remote parts of this state.

4 “(2) Notwithstanding ORS 476.030, 476.033, 476.035, 476.150 or 476.155,
5 the director or a local building official administering a building in-
6 spection program under ORS 455.148 or 455.150 may determine whether
7 the structure as set forth in the plans and specifications or as con-
8 structed meets the standards of the state building code, including but
9 not limited to fire and life safety standards. The State Fire Marshal,
10 or a local fire official for a governmental subdivision exempted from
11 State Fire Marshal regulations as described under ORS 476.030, may
12 provide advice to building officials, inspectors or Department of Con-
13 sumer and Business Services employees concerning state building code
14 standards. A local building official or department employee shall give
15 consideration to advice of the State Fire Marshal or local fire official
16 that does not conflict with the state building code, but shall retain the
17 authority to make final decisions regarding the code.

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

21 “(a) For structures of a type for which the provision of plans or
22 specifications is exempted under ORS 671.030 from the application of
23 ORS 671.010 to 671.220 and exempted under ORS 672.060 from the ap-
24 plication of ORS 672.002 to 672.325; and

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

28 “(2) A building official or inspector, as those terms are defined in
29 ORS 455.715, when acting within the scope of direct employment by a
30 municipality, may provide typical plans and specifications for struc-

1 tures of a type for which the provision of plans or specifications is
2 exempted under ORS 671.030 from the application of ORS 671.010 to
3 671.220 and exempted under ORS 672.060 from the application of ORS
4 672.002 to 672.325.

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

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

21 “(2) The terms of an agreement under this section may specify
22 whether the department is to utilize department resources or combine
23 resources with one or more of the municipalities to carry out an
24 agreement. An agreement may combine department and local govern-
25 ment resources in any manner that the parties believe will provide for
26 the efficient and uniform administration of the building inspection
27 program within the geographic area, including but not limited to full,
28 divided, mutual or joint performance of any of the administrative or
29 enforcement functions by any of the parties to the agreement. A de-
30 cision by the director regarding whether to enter into an agreement

1 under this section, and the content of any agreement that the director
2 enters into under this section, is not subject to review by the Attorney
3 General or the Oregon Department of Administrative Services and is
4 subject to challenge or appeal under ORS chapter 183 only for failure
5 to comply with an express requirement created under sections 5 to 9
6 of this 2013 Act.

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

9 “SECTION 6. (1) An agreement under section 5 of this 2013 Act may
10 provide for the parties to the agreement to share any fee revenue
11 generated by the administration and enforcement of the agreement
12 and to expend the fee revenue anywhere within the geographic area
13 covered by the agreement.

14 “(2) Notwithstanding ORS 455.210, if an agreement under section 5
15 of this 2013 Act provides for the Department of Consumer and Business
16 Services to administer and enforce a building inspection program for
17 which one or more municipalities have adopted a fee or hourly rate,
18 subject to subsection (3)(a) of this section the department may charge
19 the municipally adopted fee or hourly rate when providing the building
20 inspection program services within a municipality.

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

23 “(a) Are subject to any surcharges described under ORS 455.210,
24 455.220 or 455.447; and

25 “(b) Notwithstanding ORS 455.210, are not subject to Oregon De-
26 partment of Administrative Services approval.

27 “(4) Notwithstanding ORS 293.265, moneys from fees described in
28 this section that are collected or received by, or in the possession of,
29 a party to an agreement under section 5 of this 2013 Act and are to
30 be expended by or on behalf of the state shall be turned over to the

1 State Treasurer no later than one business day after the parties to the
2 agreement have determined that the moneys are moneys to be ex-
3 pended by or on behalf of the state.

4 **“SECTION 7. (1) Subject to ORS 293.235 to 293.245, 293.250, 293.260**
5 **to 293.280, 293.285 and 293.293 and any rules adopted under ORS 293.235**
6 **to 293.245, 293.250, 293.260 to 293.280, 293.285 and 293.293, and notwith-**
7 **standing ORS chapter 240, 276, 282, 283, 291 or 292 or other provisions**
8 **of ORS chapter 293 or the rules adopted under ORS chapter 240, 276,**
9 **282, 283, 291 or 292, except as provided under this section the Director**
10 **of the Department of Consumer and Business Services may take any**
11 **action the director considers reasonable to ensure that sufficient staff**
12 **and other resources are available for the administration and enforce-**
13 **ment of the state building code. Subject to subsections (2) to (5) of this**
14 **section, actions that the director may take under this section include,**
15 **but are not limited to:**

16 **“(a) Utilizing municipal personnel, or hiring former municipal per-**
17 **sonnel, to carry out the administrative and enforcement duties of the**
18 **Department of Consumer and Business Services under an agreement**
19 **described in section 5 of this 2013 Act;**

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

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

27 **“(2) Subsection (1) of this section does not authorize action within**
28 **a municipality administering and enforcing a building inspection pro-**
29 **gram under ORS 455.148 or 455.150 except as provided in an agreement**
30 **described in section 5 of this 2013 Act to which the municipality is a**

1 party or has consented.

2 “(3) The utilization of municipal personnel or hiring of former mu-
3 nicipal personnel under subsection (1)(a) of this section is subject to
4 any applicable collective bargaining agreements and may not be used
5 to displace any state employee. Municipal personnel whom the de-
6 partment utilizes under subsection (1)(a) of this section retain their
7 status as municipal personnel for purposes of ORS 30.260 to 30.300
8 while carrying out the administrative and enforcement duties of the
9 department under an agreement.

10 “(4) The employment of additional staff under subsection (1)(b) of
11 this section is subject to any limitations established by the Legislative
12 Assembly on the number of total personnel approved for the depart-
13 ment. To the extent practicable, the director shall give preference to
14 the use of available state employees to fulfill additional staffing re-
15 quirements.

16 “(5) The employment of additional staff under subsection (1)(b) of
17 this section and the expenditure of available resources under sub-
18 section (1)(c) of this section must be predicated upon the availability
19 of adequate revenue, which may include but need not be limited to
20 revenue derived from municipal sources through an agreement de-
21 scribed under section 5 of this 2013 Act. The use of existing revenue
22 and available resources to carry out an agreement under section 5 of
23 this 2013 Act is not an addition to or amendment of the legislatively
24 adopted budget for the department.

25 “(6) Notwithstanding ORS 455.230, the director may use moneys de-
26 posited in the Consumer and Business Services Fund from fees col-
27 lected under this section for the purpose of paying the department’s
28 costs of carrying out the administrative and enforcement duties of the
29 department within any administrative region established by the direc-
30 tor or a geographic region established by an agreement under section

1 5 of this 2013 Act or for the purpose of assisting a local government
2 to carry out an agreement under section 5 of this 2013 Act.

3 **“SECTION 8. (1) If the Department of Consumer and Business Ser-**
4 **vices assumes the administration and enforcement of a building in-**
5 **spection program that has been surrendered or abandoned by a**
6 **municipality, and immediately prior to the surrender or abandonment**
7 **the municipality was charging a fee adopted under ORS 455.210 (3) that**
8 **was different from the fee authorized under ORS 455.210 (1) for the**
9 **same services, the department may charge the fee adopted by the**
10 **municipality for the services that the department provides under the**
11 **program.**

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

14 **“(a) Are subject to any surcharges described under ORS 455.210,**
15 **455.220 or 455.447; and**

16 **“(b) Notwithstanding ORS 455.210, are not subject to Oregon De-**
17 **partment of Administrative Services approval.**

18 **“SECTION 9. Notwithstanding any surcharge use described in ORS**
19 **455.210 (4), the Director of the Department of Consumer and Business**
20 **Services may use moneys from surcharges imposed under ORS 455.210**
21 **(4) for the purpose of paying the Department of Consumer and Busi-**
22 **ness Services’ costs of carrying out the administration and enforce-**
23 **ment of the state building code within an administrative region**
24 **established by the director or a geographic region established by an**
25 **agreement that the director enters into under section 5 of this 2013**
26 **Act.**

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

29 **“(1) May adopt rules, establish policies and procedures and take**
30 **other actions the director considers reasonable or expedient for car-**

1 **rying out agreements under section 5 of this 2013 Act or under ORS**
2 **455.148 (13) or 455.150 (13) and any duties, functions and powers of the**
3 **director or the Department of Consumer and Business Services under**
4 **sections 5 to 9 of this 2013 Act or ORS 455.148 (13) or 455.150 (13);**

5 **“(2) Shall consult at least annually with appropriate advisory boards**
6 **regarding any agreements under section 5 of this 2013 Act or actions**
7 **taken by the director under sections 5 to 9 of this 2013 Act or ORS**
8 **455.148 (13) or 455.150 (13); and**

9 **“(3) Shall report annually to the Legislative Assembly as provided**
10 **under ORS 192.230 to 192.250 regarding any department activities under**
11 **sections 5 to 9 of this 2013 Act or ORS 455.148 (13) or 455.150 (13). The**
12 **report shall include, but not be limited to, information regarding any**
13 **projected need for an increase in department resources required for**
14 **carrying out the administration and enforcement of building in-**
15 **spection programs under sections 5 to 9 of this 2013 Act or under ORS**
16 **455.148 (13) or 455.150 (13).**

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

18 **“455.148. (1)(a) A municipality that assumes the administration and**
19 **enforcement of a building inspection program shall administer and enforce**
20 **the program for all of the following:**

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

23 **“(B) Manufactured structure installation requirements under ORS 446.155,**
24 **446.185 (1) and 446.230.**

25 **“(C) Manufactured dwelling parks and mobile home parks under ORS**
26 **chapter 446.**

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

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

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

30 **“(G) Manufactured structure accessory buildings and structures under**

1 ORS 446.253.

2 “(H) Boilers and pressure vessels described in rules adopted under ORS
3 480.525 (5).

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

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

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

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

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

10 “(E) Manufacture of manufactured structures programs under ORS 446.155
11 to 446.285, including the administration and enforcement of federal manu-
12 factured dwelling construction and safety standards adopted under ORS
13 446.155 or the National Manufactured Housing Construction and Safety
14 Standards Act of 1974;

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

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

18 “(2) A municipality that administers a building inspection program as
19 allowed under this section shall do so for periods of four years. The De-
20 partment of Consumer and Business Services shall adopt rules to adjust time
21 periods for administration of a building inspection program to allow for
22 variations in the needs of the department and participants.

23 “(3) When a municipality administers a building inspection program, the
24 governing body of the municipality shall, unless other means are already
25 provided, appoint a person to administer and enforce the building inspection
26 program, who shall be known as the building official. A building official
27 shall, in the municipality for which appointed, attend to all aspects of code
28 enforcement, including the issuance of all building permits. Two or more
29 municipalities may combine in the appointment of a single building official
30 for the purpose of administering a building inspection program within their

1 communities.

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

8 “(b) Notwithstanding the January 1 date set forth in paragraph (a) of this
9 subsection, the director and the municipality and, if the municipality is not
10 a county, the county may by agreement extend that date to no later than
11 March 1.

12 “(5) If a city does not notify the director, or notifies the director that it
13 will not administer the building inspection program, the county or counties
14 in which the city is located shall administer and enforce the county program
15 within the city in the same manner as the program is administered and en-
16 forced outside the city, except as provided by subsection (6) of this section.

17 “(6) If a county does not notify the director, or notifies the director that
18 it will not administer and enforce a building inspection program, the director
19 shall contract with a municipality or other person or use such state em-
20 ployees or state agencies as are necessary to administer and enforce a
21 building inspection program, and permit or other fees arising therefrom shall
22 be paid into the Consumer and Business Services Fund created by ORS
23 705.145 and credited to the account responsible for paying the expenses
24 thereof. A state employee may not be displaced as a result of using contract
25 personnel.

26 “(7) The governing body of a municipality may commence responsibility
27 for the administration and enforcement of a building inspection program be-
28 ginning July 1 of any year by notifying the director no later than January
29 1 of the same year and obtaining the director’s approval of an assumption
30 plan as described in subsection (11)(c) of this section.

1 “(8) The department shall adopt rules to require the governing body of
2 each municipality assuming or continuing a building inspection program
3 under this section to submit a written plan with the notice required under
4 subsection (4) or (7) of this section. If the department is the governing body,
5 the department shall have a plan on file. The plan must specify how coop-
6 eration with the State Fire Marshal or a designee of the State Fire Marshal
7 will be achieved and how a uniform fire code will be considered in the review
8 process of the design and construction phases of buildings or structures.

9 “(9) A municipality that administers and enforces a building inspection
10 program pursuant to this section shall recognize and accept the performances
11 of state building code activities by businesses and persons authorized under
12 ORS 455.457 to perform the activities as if the activities were performed by
13 the municipality. A municipality is not required to accept an inspection, a
14 plan or a plan review that does not meet the requirements of the state
15 building code.

16 “(10) The department or a municipality that accepts an inspection or plan
17 review as required by this section by a person licensed under ORS 455.457
18 has no responsibility or liability for the activities of the licensee.

19 “(11) In addition to the requirements of ORS 455.100 and 455.110, the di-
20 rector shall regulate building inspection programs that municipalities as-
21 sume on or after January 1, 2002. Regulation under this subsection shall
22 include but not be limited to:

23 “(a) Creating building inspection program application and amendment
24 requirements and procedures;

25 “(b) Granting or denying applications for building inspection program
26 authority and amendments;

27 “(c) Requiring a municipality assuming a building inspection program to
28 submit with the notice given under subsection (7) of this section an as-
29 sumption plan that includes, at a minimum:

30 “(A) A description of the intended availability of program services, in-

1 cluding proposed service agreements for carrying out the program during at
2 least the first two years;

3 “(B) Demonstration of the ability and intent to provide building in-
4 spection program services for at least two years;

5 “(C) An estimate of proposed permit revenue and program operating ex-
6 penses;

7 “(D) Proposed staffing levels; and

8 “(E) Proposed service levels;

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

10 “(e) Creating standards for efficient, effective, timely and acceptable
11 building inspection programs;

12 “(f) Creating standards for justifying increases in building inspection
13 program fees adopted by a municipality;

14 “(g) Creating standards for determining whether a county or department
15 building inspection program is economically impaired in its ability to rea-
16 sonably continue providing the program throughout a county, if another
17 municipality is allowed to provide a building inspection program within the
18 same county; and

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

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

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

23 “(b) If a municipality abandons or is no longer able to administer the
24 building inspection program; and

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

27 “(13) **If the department assumes the administration and enforce-**
28 **ment of a building inspection program under this section, in addition**
29 **to any other power granted to the director, the director may:**

30 “(a) **Enter into agreements with local governments under section 5**

1 **of this 2013 Act regarding the administration and enforcement of the**
2 **assumed building inspection program;**

3 **“(b) Take action as described in section 7 of this 2013 Act to ensure**
4 **that sufficient staff and other resources are available for the admin-**
5 **istration and enforcement of the assumed building inspection program;**
6 **and**

7 **“(c) Charge fees described in section 8 of this 2013 Act for depart-**
8 **ment services provided in administering and enforcing the assumed**
9 **building inspection program.**

10 **“[(13)] (14) A municipality that abandons or otherwise ceases to adminis-**
11 **ter and enforce a building inspection program that the municipality as-**
12 **sumed under this section may not resume the administration or enforcement**
13 **of the program for at least two years. The municipality may resume the ad-**
14 **ministration and enforcement of the abandoned program only on July 1 of**
15 **an odd-numbered year. Prior to resuming the administration and enforcement**
16 **of the program, the municipality must follow the notification procedure set**
17 **forth in subsection (7) of this section.**

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

19 **“455.150. (1) Except as provided in subsection [(14)] (15) of this section,**
20 **a municipality that assumes the administration and enforcement of a build-**
21 **ing inspection program prior to January 1, 2002, may administer and enforce**
22 **all or part of a building inspection program. A building inspection program:**

23 **“(a) Is a program that includes the following:**

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

26 **“(B) Manufactured structure installation requirements under ORS 446.155,**
27 **446.185 (1) and 446.230.**

28 **“(C) Manufactured dwelling parks and mobile home parks under ORS**
29 **chapter 446.**

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

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

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

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

5 “(H) Boilers and pressure vessels described in rules adopted under ORS
6 480.525 (5).

7 “(b) Is not a program that includes:

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

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

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

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

13 “(E) Manufacture of manufactured structures programs under ORS 446.155
14 to 446.285, including the administration and enforcement of federal manu-
15 factured dwelling construction and safety standards adopted under ORS
16 446.155 or the National Manufactured Housing Construction and Safety
17 Standards Act of 1974;

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

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

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

26 “(3) When a municipality administers a building inspection program, the
27 governing body of the municipality shall, unless other means are already
28 provided, appoint a person to administer and enforce the building inspection
29 program or parts thereof, who shall be known as the building official. A
30 building official shall, in the municipality for which appointed, attend to all

1 aspects of code enforcement, including the issuance of all building permits.
2 Two or more municipalities may combine in the appointment of a single
3 building official for the purpose of administering a building inspection pro-
4 gram within their communities.

5 “(4)(a) By January 1 of the year preceding the expiration of the four-year
6 period described in subsection (2) of this section, the governing body of the
7 municipality shall notify the Director of the Department of Consumer and
8 Business Services and, if not a county, notify the county whether the
9 municipality will continue to administer the building inspection program, or
10 parts thereof, after expiration of the four-year period. If parts of a building
11 inspection program are to be administered and enforced by a municipality,
12 the parts shall correspond to a classification designated by the director as
13 reasonable divisions of work.

14 “(b) Notwithstanding the January 1 date set forth in paragraph (a) of this
15 subsection, the director and the municipality and, if the municipality is not
16 a county, the county may by agreement extend that date to no later than
17 March 1.

18 “(5) If a city does not notify the director, or notifies the director that it
19 will not administer certain specialty codes or parts thereof under the build-
20 ing inspection program, the county or counties in which the city is located
21 shall administer and enforce those codes or parts thereof within the city in
22 the same manner as it administers and enforces them outside the city, except
23 as provided by subsection (6) of this section.

24 “(6) If a county does not notify the director, or notifies the director that
25 it will not administer and enforce certain specialty codes or parts thereof
26 under the building inspection program, the director shall contract with a
27 municipality or other person or use such state employees or state agencies
28 as are necessary to administer and enforce those codes or parts thereof, and
29 permit or other fees arising therefrom shall be paid into the Consumer and
30 Business Services Fund created by ORS 705.145 and credited to the account

1 responsible for paying such expenses. A state employee may not be displaced
2 as a result of using contract personnel.

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

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

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

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

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

28 “(a) Creating building inspection program application and amendment
29 requirements and procedures;

30 “(b) Granting or denying applications for building inspection program

1 authority and amendments;

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

3 “(d) Creating standards for efficient, effective, timely and acceptable
4 building inspection programs;

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

7 “(f) Creating standards for determining whether a county or department
8 building inspection program is economically impaired in its ability to rea-
9 sonably continue providing the program or part of the program throughout
10 a county, if another municipality is allowed to provide a building inspection
11 program or part of a program within the same county; and

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

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

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

16 “(b) If a municipality abandons any part of the building inspection pro-
17 gram or is no longer able to administer the building inspection program; and

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

20 “(13) **If the department assumes the administration and enforce-**
21 **ment of a building inspection program under this section, in addition**
22 **to any other power granted to the director, the director may:**

23 “(a) **Enter into agreements with local governments under section 5**
24 **of this 2013 Act regarding the administration and enforcement of the**
25 **assumed building inspection program;**

26 “(b) **Take action as described in section 7 of this 2013 Act to ensure**
27 **that sufficient staff and other resources are available for the admin-**
28 **istration and enforcement of the assumed building inspection program;**
29 **and**

30 “(c) **Charge fees described in section 8 of this 2013 Act for depart-**

1 **ment services provided in administering and enforcing the assumed**
2 **building inspection program.**

3 “[~~(13)~~] (14) If a municipality abandons or otherwise ceases to administer
4 all or part of a building inspection program described in this section, the
5 municipality may not resume the administration and enforcement of the
6 abandoned program or part of a program for at least two years. The
7 municipality may resume the administration and enforcement of the aban-
8 doned program or part of a program only on July 1 of an odd-numbered year.
9 To resume the administration and enforcement of the abandoned program or
10 part of a program, the municipality must comply with ORS 455.148, including
11 the requirement that the municipality administer and enforce all aspects of
12 the building inspection program. Thereafter, the municipality is subject to
13 ORS 455.148 and ceases to be subject to this section.

14 “[~~(14)~~] (15) A municipality that administers and enforces a building in-
15 spection program under this section shall include in the program the in-
16 spection of boilers and pressure vessels described in subsection (1)(a)(H) of
17 this section.

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

19 **“455.475. (1) [A person aggrieved by] An applicant for a building permit**
20 **may appeal** a decision made by a building official under authority estab-
21 lished pursuant to ORS 455.148, 455.150 or 455.467 [*may appeal the decision*].

22 The following apply to an appeal under this [*section*] **subsection:**

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

1 “[2] (b) If the appropriate advisory board determines that a decision by
2 the department chief inspector is a major code interpretation, then the in-
3 spector shall distribute the decision in writing to all applicable specialty
4 code public and private inspection authorities in the state. The decision shall
5 be distributed within 60 days after the board’s determination, and there shall
6 be no charge for the distribution of the decision. As used in this
7 [subsection] **paragraph**, a ‘major code interpretation’ means a code inter-
8 pretation decision that affects or may affect more than one job site or more
9 than one inspection jurisdiction.

10 **“(2) Except as provided in subsection (1) of this section, an applicant
11 for a building permit may appeal the decision of a building official on
12 any matter relating to the administration and enforcement of this
13 chapter to the department. The appeal must be in writing. A decision
14 by the department on an appeal filed under this subsection is subject
15 to judicial review as provided in ORS 183.484.**

16 “(3) If an appeal is made under this section, an inspection authority shall
17 extend the plan review deadline by the number of days it takes for a final
18 decision to be issued for the appeal.

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

22
