

Senate Bill 133

Sponsored by Senator DEVLIN, Representative VEGA PEDERSON (Pre-session filed.)

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**.

Allows Department of Consumer and Business Services to enter into agreement with public body to allow access to public body's construction-related services through department's electronic building codes information system. Provides for system information and services to include coordinating and tracking construction-related services.

Eliminates sunset on building permit surcharge used for financing operation of electronic building codes system. Reduces surcharge rate.

A BILL FOR AN ACT

1
2 Relating to the Department of Consumer and Business Services system for electronic access to
3 building code information; amending ORS 455.095, 455.185 and 455.210; and repealing section 8,
4 chapter 69, Oregon Laws 2007.

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

6 **SECTION 1.** ORS 455.095 is amended to read:

7 455.095. The Department of Consumer and Business Services shall develop and implement a
8 system that provides electronic access to building codes information. The department shall make the
9 system accessible for use by municipalities in carrying out the building inspection programs admin-
10 istered and enforced by the municipalities. **The department may also make the system available**
11 **for use by other public bodies that provide construction-related services, including but not**
12 **limited to, public bodies described in ORS 455.185 (4). Notwithstanding ORS 455.097, the**
13 *[building codes]* information and services available through the system may include, but need not be
14 limited to:

- 15 (1) Licensing, permit, inspection and other relevant information;
- 16 (2) Access to forms;
- 17 (3) Electronic submission of permit applications;
- 18 (4) Electronic submission of plans for review;
- 19 (5) Electronic issuance of minor label or other appropriate permits;
- 20 (6) Access to permit and inspection processes; *[and]*
- 21 (7) Scheduling of inspections, tracking of corrections and granting of approvals[.]; **and**
- 22 **(8) The coordination and tracking of construction-related services.**

23 **SECTION 2.** ORS 455.185 is amended to read:

24 455.185. (1) Notwithstanding ORS 455.148, 455.150 and 455.153, upon request by one or more
25 municipalities and with the consent of all affected parties, the Director of the Department of Con-
26 sumer and Business Services may enter into an agreement for the Department of Consumer and
27 Business Services to uniformly administer and enforce all or a portion of a building inspection pro-
28 gram within a geographic area. The geographic area may be a municipality, a region comprising
29 parts of more than one municipality or a region comprising multiple municipalities. The geographic

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 area need not correspond to the jurisdictional boundaries of municipalities. The agreement may
 2 provide for the department to perform administration and enforcement for a specified period or for
 3 carrying out one or more particular projects.

4 (2) The terms of an agreement under **subsection (1) of this section** may specify whether the
 5 department is to utilize department resources or combine resources with one or more of the
 6 municipalities to carry out an agreement. An agreement may combine department and local gov-
 7 ernment resources in any manner that the parties believe will provide for the efficient and uniform
 8 administration of the building inspection program within the geographic area, including but not
 9 limited to full, divided, mutual or joint performance of any of the administrative or enforcement
 10 functions by any of the parties to the agreement. A decision by the director regarding whether to
 11 enter into an agreement under **subsection (1) of this section**, and the content of any agreement that
 12 the director enters into under **subsection (1) of this section**, is not subject to review by the At-
 13 torney General or the Oregon Department of Administrative Services and is subject to challenge or
 14 appeal under ORS chapter 183 only for failure to comply with an express requirement created under
 15 ORS 455.185 to 455.198.

16 (3) An agreement under **subsection (1) of this section** is not an abandonment of a building in-
 17 spection program for purposes of ORS 455.148 or 455.150.

18 **(4) If the Department of Consumer and Business Services enters into an agreement un-**
 19 **der subsection (1) of this section, the department and a public body that offers**
 20 **construction-related services in the geographic area may enter into an agreement for pro-**
 21 **viding access to the construction-related services on the electronic information system de-**
 22 **scribed in ORS 455.095 and 455.097. The agreement may include, but need not be limited to,**
 23 **provision for access that allows the electronic submission of an application to the public body**
 24 **for a construction-related permit. As used in this subsection, “public body” has the meaning**
 25 **given that term in ORS 174.109.**

26 **SECTION 3.** ORS 455.210, as amended by section 6, chapter 69, Oregon Laws 2007, and section
 27 30, chapter 473, Oregon Laws 2011, is amended to read:

28 455.210. (1) Fees shall be prescribed as required by ORS 455.020 for plan review and permits
 29 issued by the Department of Consumer and Business Services for the construction, reconstruction,
 30 alteration and repair of prefabricated structures and of buildings and other structures and the in-
 31 stallation of mechanical heating and ventilating devices and equipment. The fees may not exceed 130
 32 percent of the fee schedule printed in the “Uniform Building Code,” 1979 Edition, and in the “Uni-
 33 form Mechanical Code,” 1979 Edition, both published by the International Conference of Building
 34 Officials. Fees are not effective until approved by the Oregon Department of Administrative Ser-
 35 vices.

36 (2) Notwithstanding subsection (1) of this section, the maximum fee the Director of the Depart-
 37 ment of Consumer and Business Services may prescribe for a limited plan review for fire and life
 38 safety as required under ORS 479.155 shall be 40 percent of the prescribed permit fee.

39 (3)(a) A municipality may adopt by ordinance or regulation such fees as may be necessary and
 40 reasonable to provide for the administration and enforcement of any specialty code or codes for
 41 which the municipality has assumed responsibility under ORS 455.148 or 455.150. A municipality
 42 shall give the director notice of the proposed adoption of a new or increased fee under this sub-
 43 section. The municipality shall give the notice to the director at the time the municipality provides
 44 the opportunity for public comment under ORS 294.160 regarding the fee or, if the proposed fee is
 45 contained in an estimate of municipal budget resources, at the time notice of the last budget meeting

1 is published under ORS 294.426.

2 (b) Ten or more persons or an association with 10 or more members may appeal the adoption
3 of a fee described in this subsection to the Director of the Department of Consumer and Business
4 Services. The persons or association must file the appeal no later than 60 days after the director
5 receives notice of the proposed adoption of the fee from the municipality under paragraph (a) of this
6 subsection. However, if the municipality failed to give notice to the director, an appeal may be filed
7 with the director within one year after adoption of the new or increased fee. Upon receiving a
8 timely appeal, the director shall, after notice to affected parties and hearing, review the
9 municipality's fee adoption process and the costs of administering and enforcing the specialty code
10 or codes referred to in paragraph (a) of this subsection. The director shall approve the fee if the
11 director feels the fee is necessary and reasonable. If the director does not approve the fee upon
12 appeal, the fee is not effective. The appeal process provided in this paragraph does not apply to fees
13 that have been submitted for a vote and approved by a majority of the electors voting on the ques-
14 tion.

15 (c) Fees collected by a municipality under this subsection shall be used for the administration
16 and enforcement of a building inspection program for which the municipality has assumed responsi-
17 bility under ORS 455.148 or 455.150.

18 (d) For purposes of paragraph (b) of this subsection, in determining whether a fee is reasonable
19 the director shall consider whether:

20 (A) The fee is the same amount as or closely approximates the amount of the fee charged by
21 other municipalities of a similar size and geographic location for the same level of service;

22 (B) The fee is calculated with the same or a similar calculation method as the fee charged by
23 other municipalities for the same service;

24 (C) The fee is the same type as the fee charged by other municipalities for the same level of
25 service; and

26 (D) The municipality, in adopting the fee, complied with ORS 294.160, 294.361 and 294.426 and
27 this section and standards adopted by the director under ORS 455.148 (11) or 455.150 (11).

28 (4) Notwithstanding any other provision of this chapter:

29 (a) For the purpose of partially defraying state administrative costs, there is imposed a sur-
30 charge in the amount of four percent of the total permit fees or, if the applicant chooses to pay an
31 hourly rate instead of purchasing a permit, four percent of the total hourly charges collected.

32 (b) For the purpose of partially defraying state inspection costs, there is imposed a surcharge
33 in the amount of two percent of the total permit fees or, if the applicant chooses to pay an hourly
34 rate instead of purchasing a permit, two percent of the total hourly charges collected.

35 (c) For the purpose of defraying the cost of administering and enforcing the state building code,
36 there is imposed a surcharge on permit fees and on hourly charges collected instead of permit fees.
37 The surcharge may not exceed one percent of the total permit fees or, if the applicant chooses to
38 pay an hourly rate instead of purchasing a permit, one percent of the total hourly charges collected.

39 **(d) For the purpose of defraying the cost of developing and administering the electronic**
40 **building codes information system described in ORS 455.095 and 455.097, there is imposed a**
41 **surcharge in the amount of four percent on permit fees, or if the applicant chooses to pay**
42 **an hourly rate instead of purchasing a permit, four percent of the total hourly charges col-**
43 **lected.**

44 (5) Municipalities shall collect and remit surcharges imposed under subsection (4) of this section
45 to the director as provided in ORS 455.220.

1 (6) The director shall adopt administrative rules to allow reduced fees for review of plans that
2 have been previously reviewed.

3 **SECTION 4.** **Section 8, chapter 69, Oregon Laws 2007, is repealed.**

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