

# House Bill 2164

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Business and Labor)

## 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**.

Requires municipalities administering and enforcing building inspection programs to provide electronic access to building code information and services. Makes requirement operative January 1, 2020.

## A BILL FOR AN ACT

1  
2 Relating to municipality use of electronic building code information systems; creating new pro-  
3 visions; and amending ORS 455.028, 455.095 and 455.097.

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

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

6 455.095. (1) The Department of Consumer and Business Services shall develop and implement a  
7 system that provides electronic access to building codes information. The department shall make the  
8 system accessible for use by municipalities in carrying out the building inspection programs admin-  
9 istered and enforced by the municipalities.

10 (2) The department may also make the system available for use by other public bodies that  
11 provide construction-related services including, but not limited to, public bodies described in ORS  
12 455.185 (4). The information and services available through the system [*may*] **shall** include, but need  
13 not be limited to:

14 (a) Licensing, permit, inspection and other relevant information;

15 (b) Access to forms;

16 (c) Electronic submission of permit applications;

17 (d) Electronic submission of plans for review;

18 (e) Electronic issuance of minor label or other appropriate permits;

19 (f) Access to permit and inspection processes;

20 (g) Scheduling of inspections, tracking of corrections and granting of approvals; [*and*]

21 **(h) Payment of fees, including but not limited to fees for permits, plan review and in-**  
22 **spection; and**

23 [*(h)*] (i) The coordination and tracking of construction-related services.

24 (3) [*The use of the system described in this section by a municipality or other public body is vol-*  
25 *untary.*] **Except as provided in subsection (4) of this section, a municipality shall use the de-**  
26 **partment system in carrying out the building inspection programs administered and enforced**  
27 **by the municipality.** Nonparticipation in the system by a municipality [*or other public body is not*]  
28 **subject to this subsection is** grounds for the department to suspend, revoke authorization for or  
29 assume the administration of a building inspection program described in ORS 455.148 or 455.150 or  
30 to impose other disciplinary actions or sanctions against a municipality[ *or other public body*]. **The**

**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 use of the department system by a public body other than a municipality to provide  
 2 construction-related services is voluntary.

3 (4) A municipality is not required to use the department system if the municipality uses  
 4 a system that is approved by the department and that provides electronic access to building  
 5 code information and services as required by department rule. The department shall adopt  
 6 rules to ensure that a system approved by the department under this subsection provides  
 7 information and services about building inspection programs administered and enforced by  
 8 the municipality that are substantially equivalent to the information and services about  
 9 programs available through the department system.

10 **SECTION 2.** ORS 455.097 is amended to read:

11 455.097. (1) As used in this section, "form and format":

12 (a) Means the arrangement, organization, configuration, structure or style of, or method of de-  
 13 livery for, providing required information or providing the substantive equivalent of required infor-  
 14 mation.

15 (b) Does not mean altering the substance of information or the addition or omission of informa-  
 16 tion.

17 (2) The purpose of this section and ORS 455.095 is to enable the Department of Consumer and  
 18 Business Services to develop and implement a system that:

19 (a) Provides electronic access to building codes information;

20 (b) Is designed to offer a full range of electronic building permits services;

21 (c) Allows the streamlining of building inspection services;

22 (d) Provides a uniform form and format for submitting building codes information electronically;

23 *[(e) Is available for use by any municipality administering and enforcing a building inspection*  
 24 *program; and]*

25 **(e) Allows for electronic payment of fees;**

26 **(f) Except as provided in ORS 455.095, is used by each municipality administering and**  
 27 **enforcing a building inspection program; and**

28 *[(f)]* **(g)** At the discretion of the department:

29 (A) Is available for use by other public bodies that provide construction-related services; and

30 (B) Supports access for other purposes that may include, but need not be limited to, access for  
 31 the coordination and tracking of construction-related services.

32 (3) The department shall adopt rules to govern the form and format of building permit applica-  
 33 tions, building plans, specifications, other building program information and any other information  
 34 exchanged through the electronic building codes information system described in ORS 455.095.

35 (4) The department may waive a contrary form and format requirement imposed by statute or  
 36 ordinance or by the rules of another agency for the submission of information in physical form to  
 37 the extent the waiver is necessary to facilitate the submission of the information electronically. The  
 38 department may accept an electronic reproduction of a signature, stamp, seal, certification or  
 39 notarization as the equivalent of the original or may accept the substitution of identifying informa-  
 40 tion for the signature, stamp, seal, certification or notarization. The department may not waive a  
 41 requirement imposed by statute or ordinance or by the rules of another agency, other than a form  
 42 and format requirement.

43 (5) A person exchanging information through the electronic building codes information system  
 44 in a form and format acceptable to the department is not subject to any licensing sanction, civil  
 45 penalty, fine, permit disapproval or revocation or other sanction for failure to comply with a form

1 or format requirement imposed by statute, ordinance or rule for submission of the information in  
 2 physical form, including but not limited to any requirement that the information be in a particular  
 3 form or of a particular size, be submitted with multiple copies, be physically attached to another  
 4 document, be an original document or be signed, stamped, sealed, certified or notarized.

5 **SECTION 3.** ORS 455.028 is amended to read:

6 455.028. (1) The Department of Consumer and Business Services may enter into interagency  
 7 agreements with the Construction Contractors Board for the board to perform duties on behalf of  
 8 the department under ORS 446.566 to 446.646, 446.666 to 446.746, 479.510 to 479.945 or 480.510 to  
 9 480.670, this chapter or ORS chapter 447, 460 or 693 regarding:

10 (a) Licenses, registrations and other authorizations; or

11 (b) The construction, reconstruction, renovation, alteration or repair of structures.

12 (2) Subject to the approval of the Director of the Department of Consumer and Business Services  
 13 or the affected advisory board, the department or advisory board may enter into an agreement with  
 14 the Construction Contractors Board under this section regarding performance of advisory board  
 15 duties by the Construction Contractors Board. An agreement described in this subsection is consid-  
 16 ered for purposes of this section to be an agreement between the department and the Construction  
 17 Contractors Board.

18 (3) An interagency agreement under this section may provide for the board to perform all or  
 19 part of the duties described in the agreement within one or more municipalities, geographic areas  
 20 described in agreements under ORS 455.185 or state building code administrative regions established  
 21 as provided under ORS 455.042, or on a statewide basis. The director may use an agreement under  
 22 this section for the purpose of ensuring adequate staff and resources as provided under ORS 455.192.  
 23 Any board employees utilized to carry out an agreement under this section shall remain employees  
 24 of the board without loss of seniority or reduction in pay or benefits, but the agreement may provide  
 25 for the department to retain control over the final work product of the employees. An agreement  
 26 under this section may not be used to avoid any provision of a collective bargaining agreement.

27 (4) An interagency agreement under this section may provide for:

28 (a) Good faith cooperation between the board and the department to enable the board and the  
 29 department to carry out their respective duties under law or under the agreement;

30 (b) The sharing of resources, including but not limited to the **department** system described in  
 31 ORS 455.095 and 455.097, equipment, systems, processes and records, documents and other informa-  
 32 tion;

33 (c) Using board and department information, including but not limited to complaints, reports,  
 34 findings and orders, to carry out the laws that the board administers and enforces on behalf of the  
 35 department;

36 (d) Ensuring the security of information shared under the agreement;

37 (e) Purchases by the board of supplies and equipment to carry out duties on behalf of the de-  
 38 partment, subject to the department's reimbursement of the board;

39 (f) The use of financing agreements to provide resources necessary or convenient to carry out  
 40 the agreement; and

41 (g) Acceptance by the board of moneys in payment of department fees, the temporary retention  
 42 and transfer of fee moneys and the reimbursement of the board's expenses under the agreement from  
 43 those fee moneys.

44 (5)(a) A financing agreement provided for as described in subsection (4)(f) of this section is ex-  
 45 empt from ORS 283.085 to 283.092 and ORS chapter 286A.

1 (b) Any department moneys accepted by the board as provided in subsection (4)(g) of this section  
2 must be identified and accounted for separately from any other moneys in the possession of or  
3 available to the board. Department moneys temporarily retained by the board, regardless of where  
4 kept or deposited, are moneys of the department. The retained moneys are not subject to any ap-  
5 propriation to the board, any authorization for or limitation on the expenditure of moneys by the  
6 board, any restriction on the source, use or transfer of board moneys or any judgment, lien or other  
7 claim against moneys of the board. Notwithstanding any requirement or limitation on the retention  
8 of moneys by a state agency, the retention of department moneys by the board under an interagency  
9 agreement described in this section shall be governed solely by the terms of the agreement.

10 (6) An interagency agreement under this section may not:

11 (a) Delegate the authority of the director to establish policies or to make a final determination  
12 on any matter;

13 (b) Allow the board to hold department fee moneys in a board account under ORS 182.470 that  
14 does not allow for the separate tracking and accounting of those moneys;

15 (c) Allow the board to hold department fee moneys past the end of the fiscal quarter in which  
16 the fee moneys were collected; or

17 (d) Transfer department expenses to the board.

18 **SECTION 4. (1) A municipality shall provide electronic access to building code informa-**  
19 **tion as required under ORS 455.095 no later than January 1, 2020. The Department of Con-**  
20 **sumer and Business Services may not take any action against a municipality under ORS**  
21 **455.095 (3) for failure to provide electronic access prior to January 1, 2020.**

22 **(2) The department shall complete the adoption of initial rules and make system approval**  
23 **under ORS 455.095 (4) available to municipalities no later than January 1, 2019.**

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