

# D R A F T

## SUMMARY

Requires Director of Department of Consumer and Business Services to impose \$15 surcharge on limited plan review for fire and life safety and to deposit proceeds of surcharge to State Treasury to credit of State Fire Marshal Fund. Directs State Fire Marshal to use proceeds of surcharge to pay costs of implementing and administering Oregon Safety Assessment Program.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

Relating to paying the costs of the Oregon Safety Assessment Program; creating new provisions; amending ORS 455.210; and prescribing an effective date.

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

**SECTION 1.** ORS 455.210 is amended to read:

455.210. (1) Fees *[shall]* **must** be prescribed as required by ORS 455.020 for plan review and permits issued by the Department of Consumer and Business Services for the construction, reconstruction, alteration and repair of prefabricated structures and of buildings and other structures and the installation of mechanical heating and ventilating devices and equipment. The fees may not exceed 130 percent of the fee schedule printed in the “Uniform Building Code,” 1979 Edition, and in the “Uniform Mechanical Code,” 1979 Edition, both published by the International Conference of Building Officials. Fees are not effective until approved by the Oregon Department of Administrative Services.

**[(2)] (2)(a)** Notwithstanding subsection (1) of this section[,], **and except as provided in paragraph (b) of this subsection,** the maximum fee the

1 Director of the Department of Consumer and Business Services may prescribe  
2 for a limited plan review for fire and life safety as required under ORS  
3 479.155 *[shall be]* is 40 percent of the prescribed permit fee.

4 **(b) The director shall prescribe a surcharge of \$15 for limited plan**  
5 **review for fire and life safety under this subsection and shall deposit**  
6 **the proceeds of the surcharge to the State Treasury to the credit of**  
7 **the State Fire Marshal Fund. The State Fire Marshal shall use the**  
8 **proceeds of the surcharge to pay the costs of implementing and ad-**  
9 **ministering the statewide Oregon Safety Assessment Program de-**  
10 **scribed in ORS 401.256.**

11 (3)(a) A municipality may adopt by ordinance or regulation such fees as  
12 may be necessary and reasonable to provide for the administration and  
13 enforcement of any specialty code or codes for which the municipality has  
14 assumed responsibility under ORS 455.148 or 455.150. A municipality shall  
15 give the director notice of the proposed adoption of a new or increased fee  
16 under this subsection. The municipality shall give the notice to the director  
17 at the time the municipality provides the opportunity for public comment  
18 under ORS 294.160 regarding the fee or, if the proposed fee is contained in  
19 an estimate of municipal budget resources, at the time notice of the last  
20 budget meeting is published under ORS 294.426.

21 (b) Ten or more persons or an association with 10 or more members may  
22 appeal the adoption of a fee described in this subsection to the Director of  
23 the Department of Consumer and Business Services. The persons or associ-  
24 ation must file the appeal no later than 60 days after the director receives  
25 notice of the proposed adoption of the fee from the municipality under par-  
26 agraph (a) of this subsection. However, if the municipality failed to give  
27 notice to the director, an appeal may be filed with the director within one  
28 year after adoption of the new or increased fee. Upon receiving a timely  
29 appeal, the director shall, after notice to affected parties and hearing, review  
30 the municipality's fee adoption process and the costs of administering and  
31 enforcing the specialty code or codes referred to in paragraph (a) of this

subsection. The director shall approve the fee if the director *[feels]* **determines that** the fee is necessary and reasonable. If the director does not approve the fee upon appeal, the fee is not effective. The appeal process provided in this paragraph does not apply to fees that have been submitted for a vote and approved by a majority of the electors voting on the question.

(c) Fees collected by a municipality under this subsection *[shall]* **must** be used for the administration and enforcement of a building inspection program for which the municipality has assumed responsibility under ORS 455.148 or 455.150.

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

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

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

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

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

(4) Notwithstanding any other provision of this chapter:

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

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

(c) For the purpose of defraying the cost of administering and enforcing

the state building code, there is imposed a surcharge on permit fees and on hourly charges collected instead of permit fees. The surcharge may not exceed one percent of the total permit fees or, if the applicant chooses to pay an hourly rate instead of purchasing a permit, one percent of the total hourly charges collected.

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

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

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

**SECTION 2. The amendments to ORS 455.210 by section 1 of this 2021 Act apply to limited plan reviews for fire and life safety that begin on and after the effective date of this 2021 Act.**

**SECTION 3. This 2021 Act takes effect on the 91st day after the date on which the 2021 regular session of the Eighty-first Legislative Assembly adjourns sine die.**