

House Bill 3078

Sponsored by Representatives HOLVEY, EVANS

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 that building permit must show contractor's Construction Contractors Board license number if contractor is known.

Requires inspector performing building code inspection as part of building inspection program, or for purpose of enforcing municipal ordinance, to require that persons engaged in regulated building activity present evidence of compliance with applicable licensing, registration or certification requirements.

Requires that municipality ensure person issued permit for work requiring Construction Contractors Board license is holder of Construction Contractors Board license.

Requires Director of Department of Consumer and Business Services to inform Construction Contractors Board when director has reason to believe person is engaging, has engaged or plans to engage in violation of laws regarding licensing and endorsement of construction contractors.

A BILL FOR AN ACT

1
2 Relating to ensuring the credentials of persons working in regulated building activities; amending
3 ORS 455.050, 455.080, 455.158 and 455.775.

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

5 **SECTION 1.** ORS 455.050 is amended to read:

6 455.050. All building permits issued in this state shall contain the following information:

7 (1) The name and address of the owner of the building or structure to be constructed or altered
8 under the permit[;].

9 [(2) *The name and address of the builder or contractor, if known, who will perform the construction*
10 *or alteration; and]*

11 **(2) If the person who will be in charge of carrying out the construction or alteration is**
12 **known, the name and address of the person and, if the person is a construction contractor**
13 **licensed under ORS chapter 701, the Construction Contractors Board license number of the**
14 **person.**

15 (3) The street address and legal description or tax lot number of the property on which con-
16 struction or alteration will occur.

17 **SECTION 2.** ORS 455.080 is amended to read:

18 455.080. Notwithstanding ORS 455.630 (2), any inspector, including a specialty code inspector
19 licensed under ORS 455.457, [*authorized by ORS 455.150 or 455.153 to determine compliance with the*
20 *requirements of the state building code or any specialty code under this chapter may, in accordance*
21 *with a compliance program as described in ORS 455.153 (2),]* **who performs an inspection for the**
22 **Department of Consumer and Business Services or a municipality as part of a building in-**
23 **spection program, or for the purpose of enforcing a municipal ordinance described in ORS**
24 **455.153, shall** require any person who is engaged in any activity regulated by the state building
25 code to demonstrate proof of compliance with the applicable licensing, registration or certification
26 requirements of ORS chapters 446, 447, 455, 460, 479, 480, 693 and 701.

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.

SECTION 3. ORS 455.158 is amended to read:

455.158. (1) As used in this section:

(a) “Public body” has the meaning given that term in ORS 174.109.

(b) “Work on a structure” means the construction, reconstruction, alteration or repair of a structure.

(2) A public body that administers and enforces a building inspection program shall ensure that a person required to be licensed under a provision of ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 446.566 to 446.646, 446.666 to 446.746, 479.510 to 479.945, 479.950 and 480.510 to 480.670, this chapter or ORS chapter 447, 460, [or] 693 **or 701** in order to obtain a permit for work on a structure has a current, valid license of the type required for the permit.

SECTION 4. ORS 455.775 is amended to read:

455.775. In addition to any other authority and power granted under this chapter and ORS chapters 446, 447, 460, 479, 480 and 693:

(1) The Director of the Department of Consumer and Business Services may, at the discretion of the director, enforce the provisions of the state building code and ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 479.510 to 479.945, 479.950, 479.995 and 480.510 to 480.670 and this chapter and ORS chapters 447, 460 and 693 against any person regardless of whether a permit, certificate, license or other indicia of authority has been issued. The director may:

(a) Make an investigation;

(b) Take sworn testimony;

(c) With the authorization of the Office of the Attorney General, subpoena persons and records;

(d) Order corrective action; and

(e) If an immediate hazard to health and safety is imminent, issue an order to stop all or any part of the work under the applicable specialty code.

(2) If the director has reason to believe that any person has been engaged, or is engaging, or is about to engage in any violation of the state building code, or ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 479.510 to 479.945, 479.950 or 480.510 to 480.670 or this chapter or ORS chapter 447, 460 or 693 or any rule adopted under those statutes, the director may issue an order, subject to ORS 183.413 to 183.497, directed to the person to cease and desist from the violation or threatened violation.

(3) If the director has reason to believe that any person has been engaged, or is engaging, or is about to engage in any violation of the state building code or ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 479.510 to 479.945, 479.950 or 480.510 to 480.670 or this chapter or ORS chapters 447, 460 and 693 or any rule adopted under those statutes, the director may, without bond, bring suit in the name and on behalf of the State of Oregon in the circuit court of any county of this state to enjoin the acts or practices and to enforce compliance with the state building code and ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 479.510 to 479.945, 479.950 and 480.510 to 480.670 and this chapter and ORS chapters 447, 460 and 693 and any rule adopted under those statutes. Upon a proper showing, a permanent or temporary injunction, restraining order or writ of mandamus shall be granted.

(4) If the director has reason to believe that any person has been engaged, or is engaging, or is about to engage in any violation of ORS 701.021, the director shall, as soon as practicable, provide the Construction Contractors Board with the information supporting that belief.

[4] (5) This section does not grant any authority over a municipality or an inspector employed

1 by a municipality.

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