

# Senate Bill 406

Sponsored by Senator BENTZ (at the request of Bob McFadden) (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**.

Prohibits Department of Consumer and Business Services from imposing late fees under state building code that are more than 10 percent of underlying fees.

## A BILL FOR AN ACT

1  
2 Relating to late fees under the state building code; amending ORS 455.020, 460.165 and 480.600.

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

4 **SECTION 1.** ORS 455.020 is amended to read:

5 455.020. (1) This chapter is enacted to enable the Director of the Department of Consumer and  
6 Business Services to promulgate a state building code to govern the construction, reconstruction,  
7 alteration and repair of buildings and other structures and the installation of mechanical devices  
8 and equipment therein, and to require the correction of unsafe conditions caused by earthquakes in  
9 existing buildings. The state building code shall establish uniform performance standards providing  
10 reasonable safeguards for health, safety, welfare, comfort and security of the residents of this state  
11 who are occupants and users of buildings, and will provide for the use of modern methods, devices,  
12 materials, techniques and practicable maximum energy conservation.

13 (2) The rules adopted pursuant to this chapter shall include structural standards; standards for  
14 the installation and use of mechanical, heating and ventilating devices and equipment; and standards  
15 for prefabricated structures; and shall, subject to ORS 455.210, prescribe reasonable fees for the is-  
16 suance of building permits and similar documents, inspections and plan review services by the De-  
17 partment of Consumer and Business Services. **Except as provided in this subsection,** the  
18 department may also establish, by rule, the amount of any fee pertaining to the state building code  
19 or any specialty code that is authorized by statute, but for which an amount is not specified by  
20 statute. **The department may not impose a late fee under the state building code that is more**  
21 **than 10 percent of the underlying fee.**

22 (3) This chapter does not affect the statutory jurisdiction and authority of the Workers' Com-  
23 pensation Board, under ORS chapter 654, to promulgate occupational safety and health standards  
24 relating to places of employment, and to administer and enforce all state laws, regulations, rules,  
25 standards and lawful orders requiring places of employment to be safe and healthful.

26 (4) This chapter and any specialty code does not limit the authority of a municipality to enact  
27 regulations providing for local administration of the state building code; local appeal boards; fees  
28 and other charges; abatement of nuisances and dangerous buildings; enforcement through penalties,  
29 stop-work orders or other means; or minimum health, sanitation and safety standards for governing  
30 the use of structures for housing, except where the power of municipalities to enact any such reg-  
31 ulations is expressly withheld or otherwise provided for by statute. Pursuant to the regulation of

**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 dangerous buildings, a municipality may adopt seismic rehabilitation plans that provide for phased  
 2 completion of repairs that are designed to provide improved life safety but that may be less than the  
 3 standards for new buildings.

4 **SECTION 2.** ORS 480.600 is amended to read:

5 480.600. (1) For a quantity of boilers or pressure vessels operated at the same locations, each  
 6 operating permit fee under ORS 480.595 issued at the same location is \$75.

7 (2) Notwithstanding ORS 480.595 and except as provided in this subsection, the installing, al-  
 8 tering or repairing contractor or the owner or user of any boiler or pressure vessel that is inspected  
 9 under ORS 480.570 (1) or (2) shall pay an installation permit fee of \$40 and an operating permit fee  
 10 of \$40. The Department of Consumer and Business Services may establish operating permit cycles  
 11 by rule. The department may require payment of an installation or operating permit fee as provided  
 12 in ORS 480.595 if the department finds that the boiler or pressure vessel is in violation of the min-  
 13 imum safety standards.

14 (3) If an insurance company notifies its insured that the insurance company will no longer insure  
 15 a boiler or pressure vessel, or that insurance on a boiler or pressure vessel is no longer in force,  
 16 the insurance company shall also notify the chief boiler inspector, in a form and manner prescribed  
 17 by the chief boiler inspector, of the description and vessel registration numbers of the boilers or  
 18 pressure vessels for which insurance is canceled or suspended or is not to be renewed.

19 (4) If an owner or user of a boiler or pressure vessel fails to pay any fee required by this chapter  
 20 within 90 days after the billing date, the department may consider the fee delinquent and [*double the*  
 21 *amount of the fee*] **impose a late fee that is not more than 10 percent of the underlying fee.** The  
 22 court may award reasonable attorney fees to the department if the department prevails in an action  
 23 to collect a fee required by this chapter. The court may award reasonable attorney fees to a de-  
 24 fendant who prevails in an action to collect a fee required by this chapter if the court determines  
 25 that the department had no objectively reasonable basis for asserting the claim or no reasonable  
 26 basis for appealing an adverse decision of the trial court.

27 **SECTION 3.** ORS 460.165 is amended to read:

28 460.165. (1) Subject to ORS 460.035 (1) and 460.085 (1), the Department of Consumer and Business  
 29 Services may collect the following fees:

30 (a) For each year of an elevator contractor's license for each place of business operated by the  
 31 applicant, \$195.

32 (b) For the submission of plans and other pertinent data when required, for each elevator, \$78.

33 (c) For each year of an inspection period for an operating permit:

34 (A) A dumbwaiter, sidewalk elevator, residential elevator, residential inclinor or subveyor,  
 35 \$60.

36 (B) An escalator, lowerator, manlift, stagelift, inclined elevator, platform hoist or moving walk,  
 37 \$98.

38 (C) A power-driven elevator with a four floor rise or under, \$88.

39 (D) A power-driven elevator with over a four floor rise, but under a 10-floor rise, \$108.

40 (E) A power-driven elevator with a 10-floor rise or over, but under a 20-floor rise, \$134.

41 (F) A power-driven elevator with a 20-floor rise or over, \$157.

42 (d) For a reinspection, \$75.

43 (e) For special inspections of hoisting or lowering mechanisms other than elevators, or for in-  
 44 spections, testing, consultations, site visits or other services for which no fee is otherwise specified,  
 45 \$75 per hour for travel and inspection time.

- 1 (f) For an elevator installation permit, if the total cost of the installation or alteration is:  
2 (A) \$1,000 or under, \$98.  
3 (B) Over \$1,000 but under \$15,000, \$98 plus \$13 for each \$1,000 or fraction of \$1,000 by which  
4 the cost exceeds \$1,000.  
5 (C) \$15,000 or over but under \$50,000, \$280 plus \$8 for each \$1,000 or fraction of \$1,000 by which  
6 the cost exceeds \$15,000.  
7 (D) \$50,000 or over, \$553 plus \$3 for each \$1,000 or fraction of \$1,000 by which the cost exceeds  
8 \$50,000.  
9 (2) If an owner or user of any elevator equipment fails to pay a fee required under this section  
10 within 90 days after the billing date, the department may consider the fee delinquent and [*double the*  
11 *amount of the fee*] **impose a late fee that is not more than 10 percent of the underlying fee.**

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