

# House Bill 2415

Sponsored by Representative FAHEY (at the request of National Electrical Contractors Association) (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**.

Requires Department of Consumer and Business Services to conduct study to evaluate feasibility of and develop standards and specifications for system that allows for performing electronic field inspections and construction progress inspections and to verify compliance with building code requirements on site.

Requires municipalities that administer and enforce building inspection programs to use department's electronic system for access to building codes information or to use system that is equivalent to and compatible with department's system.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to electronic access to building codes information; creating new provisions; amending ORS  
3 455.095 and 455.097; and prescribing an effective date.

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

5 **SECTION 1. (1)(a) The Department of Consumer and Business Services shall conduct a**  
6 **study and issue any necessary requests for information to evaluate the feasibility of, and, if**  
7 **possible, to develop standards and specifications for, an addition to the system described in**  
8 **ORS 455.095 and 455.097 that would enable users of the system to perform electronic field**  
9 **inspections and construction progress inspections and to verify compliance with all building**  
10 **codes requirements on site.**

11 **(b) In conducting the study described in paragraph (a) of this subsection, the department**  
12 **may consult experts, vendors of electronic systems, information technology developers**  
13 **within state government and any other individual, entity, agency or governmental body the**  
14 **department deems necessary to consult and may evaluate electronic systems in use in other**  
15 **jurisdictions.**

16 **(2) The department shall report the results of the study not later than September 15,**  
17 **2023, to an interim committee of the Legislative Assembly related to oversight of building**  
18 **code implementation and enforcement.**

19 **SECTION 2. ORS 455.095 is amended to read:**

20 455.095. (1) The Department of Consumer and Business Services shall develop and implement a  
21 system that provides electronic access to building codes information. The department shall *[make the*  
22 *system accessible for use by municipalities in carrying out the building inspection programs adminis-*  
23 *tered and enforced by the municipalities.]* **permit and assist municipalities that administer and**  
24 **enforce building inspection programs to have access to and use the system.**

25 (2) The department *[may]* **shall** also make the system available for use by other public bodies  
26 that provide construction-related services including, but not limited to, public bodies described in  
27 ORS 455.185 (4). The information and services available through the system *[may]* **must** include, but

**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 need not be limited to:

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

3 (b) Access to forms;

4 (c) Electronic submission of **and payment for** permit applications;

5 (d) Electronic submission of plans for review;

6 **(e) Electronic receipt of plan approvals and permits;**

7 [(e)] **(f)** Electronic issuance of minor label or other appropriate permits;

8 [(f)] **(g)** Access to permit and inspection processes;

9 [(g)] **(h) Receiving requests for and** scheduling [of] inspections, tracking of corrections and  
10 granting of approvals; [and]

11 **(i) Performance of electronic field inspections, construction progress inspections and**  
12 **on-site verification of compliance with building codes requirements; and**

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

14 [(3) *The use of the system described in this section by a municipality or other public body is vol-*  
15 *untary. Nonparticipation in the system by a municipality or other public body is not grounds for the*  
16 *department to suspend, revoke authorization for or assume the administration of a building inspection*  
17 *program described in ORS 455.148 or 455.150 or to impose other disciplinary actions or sanctions*  
18 *against a municipality or other public body.*]

19 **(3) A municipality that administers and enforces a building inspection program shall use**  
20 **the system described in subsection (2) of this section or shall use a system that the**  
21 **municipality develops, owns or has access to that has features, capabilities and functions**  
22 **that are equivalent to and compatible with the system described in subsection (2) of this**  
23 **section.**

24 **SECTION 3.** ORS 455.097 is amended to read:

25 455.097. (1) As used in this section, “form and format”:

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

29 (b) Does not [mean] **include** altering the substance of information or the addition or omission  
30 of information.

31 [(2) *The purpose of this section and ORS 455.095 is to enable the Department of Consumer and*  
32 *Business Services to develop and implement a system that:*]

33 [(a) *Provides electronic access to building codes information;*]

34 [(b) *Is designed to offer a full range of electronic building permits services;*]

35 [(c) *Allows the streamlining of building inspection services;*]

36 [(d) *Provides a uniform form and format for submitting building codes information electronically;*]

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

39 [(f) *At the discretion of the department;*]

40 [(A) *Is available for use by other public bodies that provide construction-related services; and*]

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

43 [(3)] **(2)** The department shall adopt rules to govern the form and format of building permit ap-  
44 plications, building plans, specifications, other building program information and any other infor-  
45 mation exchanged through the electronic building codes information system described in ORS

1 455.095.

2 [(4)] (3) The department may waive a contrary form and format requirement imposed by statute  
 3 or ordinance or by the rules of another agency for the submission of information in physical form  
 4 to the extent the waiver is necessary to facilitate the submission of the information electronically.  
 5 The department may accept an electronic reproduction of a signature, stamp, seal, certification or  
 6 notarization as the equivalent of the original or may accept the substitution of identifying informa-  
 7 tion for the signature, stamp, seal, certification or notarization. The department may not waive a  
 8 requirement imposed by statute or ordinance or by the rules of another agency, other than a form  
 9 and format requirement.

10 [(5)] (4) A person exchanging information through the electronic building codes information  
 11 system in a form and format acceptable to the department is not subject to any licensing sanction,  
 12 civil penalty, fine, permit disapproval or revocation or other sanction for failure to comply with a  
 13 form or format requirement imposed by statute, ordinance or rule for submission of the information  
 14 in physical form, including but not limited to any requirement that the information be in a particular  
 15 form or of a particular size, be submitted with multiple copies, be physically attached to another  
 16 document, be an original document or be signed, stamped, sealed, certified or notarized.

17 **SECTION 4. (1) The amendments to ORS 455.095 and 455.097 by sections 2 and 3 of this**  
 18 **2021 Act become operative on January 1, 2025.**

19 **(2) The Director of the Department of Consumer and Business Services may adopt rules,**  
 20 **amend building codes and perform any other action before the operative date specified in**  
 21 **subsection (1) of this section that is necessary to enable the director, on and after the op-**  
 22 **erative date specified in subsection (1) of this section, to undertake and exercise all of the**  
 23 **duties, functions and powers conferred on the director by the amendments to ORS 455.095**  
 24 **and 455.097 by sections 2 and 3 of this 2021 Act.**

25 **SECTION 5. This 2021 Act takes effect on the 91st day after the date on which the 2021**  
 26 **regular session of the Eighty-first Legislative Assembly adjourns sine die.**

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