

House Bill 2657

Sponsored by Representative EVANS (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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Lets a state board set licensing standards for doing masonry work in essential buildings. Lets another board set standards for putting in fire proofing materials in essential buildings. Tells a state agency to adopt rules that say that there must be good fire proof materials in essential buildings. Takes effect on the 91st day after the session ends. (Flesch Readability Score: 60.8)

Permits the Building Codes Structures Board to adopt licensing standards for performing structural masonry in essential facilities. Permits the Construction Contractors Board to adopt licensing standards for applying or installing fireproofing materials in essential facilities.

Requires the Department of Consumer and Business Services to adopt rules for adequate fireproofing in all newly constructed essential facilities. Specifies minimum provisions required in the department's rules.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to building codes applicable to essential facilities; creating new provisions; amending ORS
3 455.117 and 455.447; and prescribing an effective date.

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

5 **SECTION 1.** ORS 455.117 is amended to read:

6 455.117. (1) Except as provided in subsection (3) of this section, a regulatory body listed in
7 subsection (2) of this section may adopt rules to administer the licensing, certification or registra-
8 tion of persons regulated by the body. The rules adopted under this section may include, but need
9 not be limited to:

10 (a) The form and content of an application for issuance or renewal of a license, certificate or
11 registration;

12 (b) Training and continuing education requirements to maintain a license, certificate or regis-
13 tration;

14 (c) The form and content of and the process for preparing and administering examinations and
15 examination reviews;

16 (d) The term of a license, certificate or registration; and

17 (e) The creation of a system for combining two or more licenses, certificates or registrations
18 issued to an individual by an advisory board or the Department of Consumer and Business Services
19 into a single license, certificate, registration or other authorization.

20 (2) Subsection (1) of this section applies to the following:

21 (a) Subject to ORS 446.003 to 446.200, 446.225 to 446.285 and 446.395 to 446.420, with the ap-
22 proval of the Residential and Manufactured Structures Board, the Department of Consumer and
23 Business Services for purposes of licenses, certificates and registrations issued under ORS 446.003
24 to 446.200, 446.225 to 446.285 and 446.395 to 446.420.

25 (b) Subject to ORS 447.010 to 447.156 and ORS chapter 693, the State Plumbing Board for pur-

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 poses of licenses issued under ORS 447.010 to 447.156 and ORS chapter 693.

2 (c) Subject to ORS 460.005 to 460.175, after consultation with the Electrical and Elevator Board,
3 the department for purposes of licenses issued under ORS 460.005 to 460.175.

4 (d) Subject to ORS 479.510 to 479.945, the Electrical and Elevator Board for purposes of licenses
5 issued under ORS 479.510 to 479.945.

6 (e) Subject to ORS 480.510 to 480.670, the Board of Boiler Rules for purposes of licenses issued
7 under ORS 480.510 to 480.670.

8 **(f) The Building Codes Structures Board for the purpose of licensing persons to perform**
9 **structural masonry in essential facilities.**

10 **(g) The Construction Contractors Board for the purpose of licensing persons to apply or**
11 **install, in accordance with rules the department adopts under ORS 455.447, fireproofing ma-**
12 **terials in essential facilities, as defined in ORS 672.107.**

13 (3) This section does not authorize the adoption of rules regulating:

14 (a) Building officials, inspectors, plan reviewers or municipalities;

15 (b) Persons engaged in the manufacture, conversion or repair of prefabricated structures or
16 prefabricated components; or

17 (c) Master builders certified under ORS 455.800 to 455.820.

18 **SECTION 2.** ORS 455.447 is amended to read:

19 455.447. (1) As used in this section, unless the context requires otherwise:

20 (a) "ASCE" means the American Society of Civil Engineers.

21 (b) "ASCE 7" means the ASCE Minimum Design Loads and Associated Criteria for Buildings
22 and Other Structures that appear in the Oregon Structural Specialty Code.

23 **(c) "Essential facility" has the meaning given that term in ORS 672.107.**

24 [(c)] **(d)** "Major structure" means a building over six stories in height with an aggregate floor
25 area of 60,000 square feet or more, every building over 10 stories in height and parking structures
26 as determined by Department of Consumer and Business Services rule.

27 [(d)] **(e)** "Seismic hazard" means a geologic condition that is a potential danger to life and
28 property that includes but is not limited to earthquake, landslide, liquefaction, tsunami inundation,
29 fault displacement, and subsidence.

30 (2) The Department of Consumer and Business Services shall consult, **as appropriate**, with the
31 Seismic Safety Policy Advisory Commission, [and] the State Department of Geology and Mineral
32 Industries [prior to] **and the State Fire Marshal before** adopting rules[. *Thereafter, the Department*
33 *of Consumer and Business Services may adopt rules as set forth*] in **accordance with** ORS 183.325
34 to 183.410 to amend the state building code to:

35 (a) Require new building sites to be evaluated on a site specific basis for vulnerability to seismic
36 geologic hazards if the sites are for structures that are:

37 (A) Major structures; or

38 (B) Designated under subsection (5) of this section as Tsunami Risk Category III or IV for de-
39 sign.

40 (b) Require a program for the installation of strong motions accelerographs in or near selected
41 major buildings.

42 (c) Provide for the review of geologic and engineering reports for seismic design of new major
43 structures or buildings that have been designated under subsection (5) of this section as Tsunami
44 Risk Category III and IV for design.

45 (d) Provide for filing of noninterpretive seismic data from site evaluation in a manner accessible

1 to the public.

2 **(e) Require adequate fireproofing in all newly constructed essential facilities. In adopting**
 3 **rules under this paragraph, the Department of Consumer and Business Services shall con-**
 4 **sider applicable national codes and standards from the National Fire Protection Association,**
 5 **a successor entity to the National Fire Protection Association or other appropriate na-**
 6 **tionally recognized code and standards bodies. The rules the department adopts must require**
 7 **fireproofing materials and installations to meet a minimum two-hour fire resistance standard**
 8 **and shall prescribe standards for selecting, using and applying or installing fireproofing ma-**
 9 **terials in essential facilities.**

10 (3)(a) For the purpose of defraying the cost of applying the regulations in subsection [(2)] (2)(a)
 11 to (d) of this section, there is hereby imposed a surcharge in the amount of one percent of the total
 12 fees collected under the structural and mechanical specialty codes for major structures and
 13 buildings that have been designated under subsection (5) of this section as Tsunami Risk Category
 14 III or IV for design, which fees are retained by the jurisdiction enforcing the particular specialty
 15 code as provided in ORS 455.150 or enforcing a building inspection program under ORS 455.148.

16 **(b) To defray the costs of administering the rules the department adopts under sub-**
 17 **section (2)(e) of this section, the department may impose a surcharge on the total fees col-**
 18 **lected under the structural and mechanical specialty codes for new essential facilities in an**
 19 **amount the department specifies by rule. The aggregated amount of all surcharges the de-**
 20 **partment imposes under this paragraph may not exceed the amount necessary to pay the**
 21 **department’s expenses in administering the rules.**

22 (4) Before submitting design plans for a proposed building designated under subsection (5) of this
 23 section as Tsunami Risk Category III or IV for design, the developer shall request consultation from
 24 the State Department of Geology and Mineral Industries with respect to the impacts from potential
 25 tsunami activity on the proposed building and the department shall provide the developer with the
 26 best available scientific evidence of potential impacts. The department shall make a determination
 27 as to the likely impacts and recommend any design or other changes to mitigate the impacts that
 28 the department deems advisable or necessary. The department shall notify the developer and the
 29 official responsible for approving the development not later than 45 days after receiving the
 30 developer’s request. An official that approves the development shall include the department’s deter-
 31 mination and recommendations with permit documents for the building.

32 (5) Notwithstanding any contrary standard under the structural specialty code, the following
 33 must be designed to meet or exceed the tsunami loads and effects design standards applicable under
 34 the provisions related to tsunamis in ASCE 7:

35 (a) Risk Category III buildings and structures, as defined in “Risk Category of Buildings and
 36 Other Structures,” Table 1604.5 of the Oregon Structural Specialty Code. Buildings and other
 37 structures described in this paragraph must be designated as Tsunami Risk Category III for design.

38 (b) Risk Category IV buildings and structures, as defined in “Risk Category of Buildings and
 39 Other Structures,” Table 1604.5 of the Oregon Structural Specialty Code. Buildings and other
 40 structures described in this paragraph must be designated as Tsunami Risk Category IV for design.

41 (6) The State Department of Geology and Mineral Industries shall report regarding requests,
 42 determinations and recommendations made under subsection (4) of this section to an interim com-
 43 mittee of the Legislative Assembly related to general government in the manner provided by ORS
 44 192.245, no later than September 15 of each year.

45 **SECTION 3. The amendments to ORS 455.117 and 455.447 by sections 1 and 2 of this 2025**

1 Act apply to construction that begins on and after January 1, 2026.

2 **SECTION 4.** (1) The amendments to ORS 455.117 and 455.447 by sections 1 and 2 of this
3 2025 Act become operative January 1, 2026.

4 (2) The Director of the Department of Consumer and Business Services and the Building
5 Codes Structures Board may adopt rules and take any other action before the operative date
6 specified in subsection (1) of this section that is necessary to enable the director or the
7 board, on and after the operative date specified in subsection (1) of this section, to undertake
8 and exercise all of the duties, functions and powers conferred on the director and the board
9 by the amendments to ORS 455.117 and 455.447 by sections 1 and 2 of this 2025 Act.

10 **SECTION 5.** This 2025 Act takes effect on the 91st day after the date on which the 2025
11 regular session of the Eighty-third Legislative Assembly adjourns sine die.

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