

Senate Bill 898

Sponsored by Senators ROBLAN, THOMSEN, Representatives MCKEOWN, SMITH DB; Senator GELSER, Representative GOMBERG

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**.

Changes qualification process for building officials and inspectors. Requires testing and evaluation of qualifications by independent accrediting entity based on comparison to nationwide or multistate standards. Requires issuance of license to qualified applicant except for specified reasons or other good cause. Authorizes appointment or employment of licensee as building official or inspector without further approval process. Applies to licenses applied for on or after January 1, 2021.

Requires Director of Department of Consumer and Business Services to identify parts of plumbing specialty code and electrical specialty code appropriate for inspection by specialized building inspectors.

Requires adoption of statewide standards for plan review, permits, inspections standards and procedures and certificates of occupancy.

Establishes conditions for department adoption of temporary rules.

Establishes conditions prohibiting or allowing building official or inspector performance of other professional services in regard to construction or property development.

Revises definition of inspector to include service providers not employed by municipality.

Allows holder of lapsed authorization as specialized building inspector regarding plumbing specialty code or electrical specialty code to obtain specialized building inspector license upon payment of license fee. Creates exception. Requires filing license application before January 1, 2022.

A BILL FOR AN ACT

1
2 Relating to state building code administration; creating new provisions; amending ORS 446.250,
3 446.255, 447.091, 455.030, 455.046, 455.055, 455.140, 455.420, 455.457, 455.459, 455.467, 455.469,
4 455.628, 455.630, 455.705, 455.715, 455.720, 455.730, 455.732, 455.735, 455.737, 455.740, 455.770,
5 479.530, 479.810, 480.525, 480.565 and 480.605; and repealing ORS 455.622, 455.723 and 455.725.

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

7 **SECTION 1.** ORS 446.250 is amended to read:

8 446.250. The Director of the Department of Consumer and Business Services shall cause in-
9 spections to be made, approve plans and specifications, provide technical services and issue permits
10 for alteration of manufactured dwellings and installation of manufactured dwellings and manufac-
11 tured structure accessory buildings and structures on a lot. The director shall appoint or contract
12 with municipalities that request such appointment or contract for inspection and issuance of permits
13 for alteration of manufactured dwellings and installation of manufactured dwellings and manufac-
14 tured structure accessory buildings and structures and alterations of installations of plumbing,
15 heating, illuminating, cooking or electrical equipment, provided the municipality employs as local
16 inspectors qualified persons who have been certified **and licensed** by the director **under ORS**
17 **455.720 or 479.810 or section 19 of this 2019 Act** for inspection and issuance of permits for alter-
18 ation of manufactured dwellings and installation of manufactured dwellings and manufactured
19 structure accessory buildings and structures, pursuant to ORS 446.003, 446.111, 446.155, 446.160,
20 446.176, 446.225 to 446.285 and 446.990. [*However, the certification standards under this section shall*
21 *relate to the inspections to be performed and shall not be more stringent for municipal inspectors than*
22 *those applying to state inspectors.*]

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 **SECTION 2.** ORS 446.255 is amended to read:

2 446.255. (1) After written notice and hearing as provided in subsection (2) of this section, the
3 Director of the Department of Consumer and Business Services may revoke the [*certification*] **license**
4 of a local inspector [*certified under ORS 446.250,*] or the authority of a local government to enforce
5 provisions of ORS 446.003, 446.111, 446.160, 446.176, 446.225 to 446.285 and 446.990, [*when*] **if** it ap-
6 pears by competent evidence that the inspector or local government has consistently failed to act
7 in the public interest in the enforcement of the provisions of ORS 446.003, 446.111, 446.160, 446.176,
8 446.225 to 446.285 and 446.990.

9 (2) Any proceedings under subsection (1) of this section shall be conducted pursuant to the
10 provisions of ORS 183.415 to 183.430, 183.440 to 183.460, 183.470 to 183.485 and 183.490 to 183.540,
11 dealing with contested cases.

12 **SECTION 3.** ORS 447.091 is amended to read:

13 447.091. The Department of Consumer and Business Services or local government administering
14 the plumbing specialty code adopted under ORS 447.020 (2) may, upon request of any sanitary dis-
15 trict formed pursuant to ORS 450.005 to 450.245, sanitary authority established under ORS 450.600
16 to 450.989, or county service district established under ORS 451.410 to 451.610, contract for the in-
17 spection of building sewers constructed to connect a district sewage system if inspectors employed
18 by such district are [*certified*] **licensed** for sewer inspections under ORS 455.715 to 455.740.

19 **SECTION 4.** ORS 455.030 is amended to read:

20 455.030. (1) Subject to any requirement for approval by the appropriate advisory boards, the
21 Director of the Department of Consumer and Business Services may adopt, amend or repeal rules
22 for carrying out the responsibilities of the Department of Consumer and Business Services to de-
23 velop, implement, administer and enforce a program that relates to the state building code or a
24 specialty code. Except as otherwise provided by this section, the director shall be subject to ORS
25 chapter 183 in the adoption, amendment or repeal of regulations authorized by, and in the issuance
26 of orders in contested cases arising under, this chapter.

27 (2)(a) In addition to the notice requirements of ORS 183.335, notice of a public hearing on
28 adoption, amendment or repeal of a specialty code shall be given to the governing bodies of all
29 municipalities and the notice shall state that copies of the proposed action may be obtained from
30 the department.

31 (b) The notice of proposed rule change shall include a finding by the advisory board that the
32 added cost, if any, is necessary to the health and safety of the occupants or the public or necessary
33 to conserve scarce resources.

34 (c) The director shall maintain a roster of individuals who wish to be notified of any changes
35 to or interpretations of the Low-Rise Residential Dwelling Code. Subscribers to the list may be
36 charged a reasonable amount necessary to defray the cost of maintaining the list and advising the
37 subscribers of changes in the code.

38 **(d) Notwithstanding ORS 183.335, unless the department finds that an imminent and se-**
39 **rious danger to the public health or safety makes delay unsafe, and sets forth specific facts**
40 **to support that finding, prior to adopting or amending a temporary rule the department shall**
41 **send notice to the appropriate advisory boards and to persons described in ORS 183.335 (1),**
42 **and allow a period of at least 49 days following the sending of notice for the receipt of com-**
43 **ments regarding the proposed rule or amendment.**

44 (3) The director is not required to publish or distribute those parts of a specialty code of regu-
45 lations adopted by reference. However, the director shall publish with a specialty code and annually

1 thereafter a list of places where copies of those parts of the specialty code adopted by reference
2 may be obtained together with the approximate cost thereof. The director shall file one copy of the
3 rule with the Secretary of State. All standards referred to in any specialty code or any of the mod-
4 ifications thereto need not be so filed. All standards and specialty codes referred to in the specialty
5 code shall be kept on file and available for inspection in the offices of the department.

6 (4) Any interested person may propose amendments to the state building code, which proposed
7 amendments may be either applicable to all municipalities or, where it is alleged and established
8 that conditions exist within a municipality or some municipalities that are not generally found
9 within other municipalities, amendments may be restricted in application to such municipalities.
10 Amendments proposed to the state building code under this subsection shall be in conformity with
11 the policy and purpose prescribed by ORS 455.020. The justification and the particular circumstances
12 requiring the proposed amendments shall be fully stated in the proposal. The director shall submit
13 all proposed amendments to the appropriate advisory board. The board shall review and report its
14 recommendations to the director on the amendments within 180 days after the date of submission
15 by the director.

16 (5) The director, with the approval of the advisory board, may adopt or modify and adopt any
17 amendments proposed to the director under subsection (4) of this section. The director shall, within
18 30 days after the date of receipt of the recommendations of the advisory board, notify the person
19 proposing the amendments of the adoption, modification and adoption or denial of the proposed
20 amendments. Upon adoption, a copy of each amendment shall be distributed to the governing bodies
21 of all municipalities affected thereby.

22 (6) The director shall from time to time make or cause to be made investigations, or may accept
23 authenticated reports from authoritative sources, concerning new materials or modes of construction
24 intended for use in the construction of buildings or structures, or intended for use in other activity
25 regulated by the state building code, and shall, where necessary, propose amendments to the code
26 setting forth the conditions under which the materials or modes may be used, in accordance with
27 the standards and procedures of this chapter.

28 **SECTION 5.** ORS 455.046 is amended to read:

29 455.046. (1) The Department of Consumer and Business Services shall:

30 (a) Develop and administer an installation label program for minor installations under the state
31 building code, including but not limited to electrical installations under ORS 455.627, 479.540 and
32 479.570 and plumbing installations under ORS 447.076;

33 (b) Develop standard application forms and procedures for use by municipalities in Clackamas,
34 Multnomah and Washington Counties when issuing structural, mechanical, electrical, plumbing and
35 other permits when those permits do not require a review of building plans;

36 (c) Develop standard application forms and procedures for issuing building permits and record-
37 ing inspections;

38 (d) Develop standard forms and procedures for reviewing building plans;

39 (e) Establish standardized criteria and methodology for determining fee amounts for permits that
40 are required under the state building code established under ORS 455.030;

41 (f) Maintain and make available to the public the names of persons [*certified*] **licensed** to review
42 building plans;

43 (g) Maintain and make available to the public the names of persons [*certified*] **licensed** to per-
44 form technical inspections; and

45 (h) Administer prepaid building permit cost accounts.

1 (2) The department may use the resources of the Tri-County Building Industry Service Center
 2 to:

- 3 (a) Assist local building officials in the administration and enforcement of the state building
 4 code; and
- 5 (b) Establish a process to facilitate the consistent application of the state building code
 6 throughout the state.

7 **SECTION 6.** ORS 455.055 is amended to read:

8 455.055. The Director of the Department of Consumer and Business Services *[may]* **shall** adopt
 9 rules establishing uniform **plan review**, permit, inspection **standards and procedures** and certifi-
 10 cate of occupancy requirements under the state building code. *[The rules may include, but need not*
 11 *be limited to, rules establishing standards for building inspections and inspection procedures and rules*
 12 *establishing uniform forms for certificates of occupancy.]* In adopting rules under this section, the di-
 13 rector may establish a process for a municipality to address conditions that are unique to the
 14 municipality’s enforcement of the state building code or that are not addressed by the rules estab-
 15 lishing uniform permit, inspection and certificate of occupancy requirements.

16 **SECTION 7.** ORS 455.140 is amended to read:

17 455.140. (1) There is established a Mechanical Board consisting of 10 members appointed by the
 18 Governor.

19 (2) The members of the board shall assist the Director of the Department of Consumer and
 20 Business Services in administering the code adopted pursuant to ORS 455.020 for mechanical devices
 21 and equipment.

22 (3) The board must consist of:

- 23 (a) One representative of the plumbing industry;
- 24 (b) One sheet metal and air conditioner contractor;
- 25 (c) One municipal mechanical inspector possessing the highest level of mechanical inspector
 26 *[certification]* **licensure** issued by the Department of Consumer and Business Services;
- 27 (d) One heating, venting and air conditioning contractor;
- 28 (e) One heating, venting and air conditioning installer;
- 29 (f) One sheet metal and air conditioner installer;
- 30 (g) One representative of a natural gas company or other utility;
- 31 (h) One building official;
- 32 (i) One insulation craftsman who has experience with heat and frost insulation; and
- 33 (j) One public member who does not receive compensation from any interest represented under
 34 paragraphs (a) to (i) of this subsection.

35 (4) At least one of the board members described in subsection (3)(b) or (d) of this section must
 36 be an owner or operator of a contracting business employing 10 or fewer persons at the time of the
 37 member’s appointment to the term.

38 **SECTION 8.** ORS 455.420 is amended to read:

39 455.420. (1) Each individual dwelling unit in a multifamily residential building constructed after
 40 October 4, 1977, shall have installed a separate, individual electrical meter for each such dwelling
 41 unit except where a building inspector *[certified]* **licensed** under ORS 455.715 to 455.740 determines
 42 that pursuant to standards adopted by the Director of the Department of Consumer and Business
 43 Services the installation of a single, central electrical meter for all the dwelling units in such
 44 building would facilitate an overall reduction in electrical consumption by such units.

45 (2) For the purpose of carrying out the provisions of subsection (1) of this section, the director,

1 based on recommendations of the Residential and Manufactured Structures Board, shall adopt by
 2 rule standards for determining whether the installation of a single electrical meter for all dwelling
 3 units in a multifamily residential building facilitates an overall reduction in electrical consumption
 4 by such units.

5 **SECTION 9.** ORS 455.457 is amended to read:

6 455.457. In accordance with the applicable provisions of ORS chapter 183, the Director of the
 7 Department of Consumer and Business Services by rule shall establish a licensing system for persons
 8 that perform specialty code inspections or plan reviews and for businesses that employ persons that
 9 perform specialty code inspections or plan reviews. Such a system shall include but not be limited
 10 to the following provisions:

11 (1) Prescribing the form and content of and the times and procedures for submitting an appli-
 12 cation for the issuance or renewal of a license.

13 (2) Prescribing the terms of the licenses and the fees for the original issue and renewal in
 14 amounts that do not exceed the cost to the Department of Consumer and Business Services of ad-
 15 ministering the licensing system.

16 *[(3) Prescribing the requirements for and the manner of testing the competency of applicants for the*
 17 *protection of the public health and safety.]*

18 **(3) Selecting one or more independent accrediting entities with the advice of the appropri-**
 19 **ate advisory boards to test and evaluate an applicant in comparison to nationwide or**
 20 **multistate standards for persons who exercise the duties, functions and powers of a specialty**
 21 **code inspector or plan reviewer.**

22 (4) Prescribing the amounts and conditions of bonds and liability insurance.

23 (5) Setting forth those actions or circumstances that constitute failure to achieve or maintain
 24 licensing competency or that otherwise constitute a danger to the public health or safety and for
 25 which the director may refuse to issue or renew or may suspend or revoke a license or impose a
 26 civil penalty.

27 **SECTION 10.** ORS 455.459 is amended to read:

28 455.459. (1) **As used in this section, “relative” has the meaning given that term in ORS**
 29 **95.200.**

30 *[(1)]* **(2) A person [shall] may** not inspect or review any project or installation in which the
 31 person, employer of the person or relative of the person has any financial interest or business af-
 32 filiation. A person designated under ORS 455.465 (1)(a) may not perform both the inspection and plan
 33 review for the same project or installation. A municipality or the state shall perform either the in-
 34 spection, the plan review, or both.

35 *[(2) For purposes of this section, “relative” has the meaning given that term in ORS 95.200.]*

36 **(3) A person employed by the Department of Consumer and Business Services as a plan**
 37 **reviewer or inspector may not render services of any type to a business engaged in con-**
 38 **struction or property development. Except as provided in this section, a person employed by**
 39 **a municipality as a building official or employed by or providing services to a municipality**
 40 **as a plan reviewer or inspector, may not render services to a business engaged in con-**
 41 **struction or property development within the municipality, but may render any lawful ser-**
 42 **vices within other jurisdictions. This subsection does not prohibit a person from rendering**
 43 **services without remuneration to a nonprofit organization.**

44 **SECTION 11.** ORS 455.467 is amended to read:

45 455.467. (1) Except as provided in subsection (2) of this section, for specialty code plan reviews

1 of simple low-rise residential dwellings, the Department of Consumer and Business Services or a
 2 municipality that administers a building inspection program under ORS 455.148 or 455.150 shall ap-
 3 prove or disapprove the specialty code building plan:

4 (a) For a jurisdiction with a population that is less than 300,000, within 10 business days of re-
 5 ceiving a complete application, or shall implement the process described in ORS 455.465.

6 (b) For a jurisdiction with a population that is 300,000 or more, within 15 business days of re-
 7 ceiving a complete application, or shall implement the process described in ORS 455.465.

8 (2) The 10-day and 15-day requirements in subsection (1) of this section do not apply if:

9 (a) The plan requires approval by federal, state or local agencies outside the jurisdiction of the
 10 issuing agency;

11 (b) The plan is for a complex structure that requires additional review as determined by the
 12 department or municipality; or

13 (c) Based on conditions that exist in the affected municipality, the Director of the Department
 14 of Consumer and Business Services authorizes a different plan review schedule as described in a
 15 building inspection program submitted under ORS 455.148 or 455.150.

16 (3) For specialty code plan reviews of commercial structures, a municipality shall include in its
 17 building inspection program submitted under ORS 455.148 or 455.150 a process for plan review ser-
 18 vices. The municipality shall include in its program detailed reasons supporting the proposed plan
 19 review process. The plan review services provided by the municipality shall:

20 (a) Allow an applicant to defer the submittal of plans for one or more construction phases for
 21 a commercial construction project in accordance with the state building code; and

22 (b) Allow an applicant to receive permits for each of the phases of a commercial construction
 23 project as described in the state building code when the plan review for that phase is approved.

24 (4) For a phased commercial construction project as described in subsection (3) of this section,
 25 the municipality shall inform the applicant of the detailed plans necessary for each phase of the
 26 project and the estimated time for initial and phased review of the building plans for conformance
 27 with the state building code.

28 (5) An applicant submitting plans under subsection (3) of this section is responsible for ensuring
 29 that the project meets all specialty code requirements and that the project does not proceed beyond
 30 the level of approval authorized by the building official.

31 (6) **If the department or** a municipality [*that*] repeatedly fails to meet the plan review period
 32 described in this section or otherwise authorized in [*its*] a building inspection program submitted
 33 under ORS 455.148 or 455.150, **the department or the municipality** shall be considered to be en-
 34 gaging in a pattern of conduct of failing to provide timely plan reviews under ORS 455.160.

35 **SECTION 12.** ORS 455.469 is amended to read:

36 455.469. [A] **The Department of Consumer and Business Services, and a** municipality [*shall*
 37 *add to and make a part of its*] **conducting a** building inspection program under ORS 455.148 or
 38 455.150, **shall include in its building inspection program** the policies [*and*], **rules or** ordinances
 39 adopted by **the department or** the municipality to implement ORS 455.465 and 455.467.

40 **SECTION 13.** ORS 455.628 is amended to read:

41 455.628. (1) The Department of Consumer and Business Services or a municipality administering
 42 and enforcing a building inspection program under ORS 455.148 or 455.150 may not require a plan
 43 review for one and two family dwellings that are of conventional light frame construction, as defined
 44 by the department by rule, if:

45 (a) The plans for the dwelling are designed and stamped by a professional engineer registered

1 under ORS 672.002 to 672.325 or an architect registered under ORS 671.060; and

2 (b) The engineer or architect is certified by the Director of the Department of Consumer and
3 Business Services **and licensed** under ORS [455.720] **455.457** as being qualified to examine one and
4 two family dwelling plans.

5 (2) The department or municipality is exempt from liability for any damages arising from the
6 nonperformance of a plan review pursuant to this section.

7 **SECTION 14.** ORS 455.630 is amended to read:

8 455.630. (1) **Except as provided in subsection (2) of this section,** the Low-Rise Residential
9 Dwelling Code shall be enforced by inspectors and building officials qualified pursuant to ORS
10 455.715 to 455.740.

11 [(2) *Notwithstanding subsection (1) of this section, enforcement of electrical specialty code, permit*
12 *and licensing provisions shall be under the sole authority of the Electrical and Elevator Board in the*
13 *Department of Consumer and Business Services.*]

14 (2) **Except as provided under section 19 of this 2019 Act, inspections for compliance with**
15 **the electrical specialty code shall be conducted by electrical inspectors appointed or licensed**
16 **under ORS 479.810.**

17 **SECTION 15.** ORS 455.705 is amended to read:

18 455.705. (1) A manufacturer of prefabricated structures or manufacturer of prefabricated struc-
19 ture components may not contract with a municipality or a person to perform prefabricated struc-
20 ture plan approvals or inspections unless the person providing the plan approvals or inspections is
21 [certified or approved under subsection (2) of this section] **licensed under ORS 455.720 or 479.810**
22 **or section 19 of this 2019 Act** or is providing plan approvals or inspections for a residential pre-
23 fabricated structure that is intended for delivery in another state.

24 (2)(a) A person may not engage in prefabricated structure plan approvals or inspections without
25 being [certified] **licensed** under ORS [455.715 to 455.740] **455.720** or 479.810 **or section 19 of this**
26 **2019 Act** unless the person is providing plan approvals or inspections for a residential prefabricated
27 structure that is intended for delivery in another state.

28 (b) A person may not engage in the business of providing prefabricated structure plan approvals
29 or inspections without an approval issued by the Department of Consumer and Business Services.

30 (3) In accordance with any applicable provisions of ORS chapter 183, the Director of the De-
31 partment of Consumer and Business Services shall establish by rule a system for approval and reg-
32 ulation of businesses [and persons who perform] **that provide** prefabricated structure plan approvals
33 or inspections. The system shall include but not be limited to the following provisions:

34 (a) Prescribing the form and content of and the times and procedures for submitting an appli-
35 cation for the issuance or renewal of an approval.

36 (b) Prescribing the term of the approval and the fee for the original issue and renewal in an
37 amount that does not exceed the cost of administering the approval system. The charge for review
38 and approval of a third party inspection service shall not exceed, for the original issue, \$400 and for
39 the renewal, \$200.

40 (c) Prescribing the conditions for initial issuance, renewal and maintenance of the approval for
41 a person [certified] **licensed** under ORS **455.457**, 455.715 to 455.740 or 479.810, including but not
42 limited to the following provisions:

43 (A) Procedures and reports for plan approvals and inspections;

44 (B) Ethical practices and prohibitions of conflicts of interests with manufacturers of prefabri-
45 cated structures and manufacturers and suppliers of parts and services;

- 1 (C) Insurance compliance requirements;
- 2 (D) Procedures for use and application of insignia of compliance; and
- 3 (E) Fees for and procedures for use and application of certification stamps.
- 4 (d) Prescribing other actions or circumstances that constitute failure to achieve or maintain
- 5 approval competency or that otherwise constitute a danger to the public health or safety and for
- 6 which the director may refuse to issue or renew or may suspend or revoke a certification, permit
- 7 or certificate.
- 8 (e) Prescribing the authority of the department to perform oversight monitoring including but
- 9 not limited to:
 - 10 (A) Right of entry and access to third party records and information;
 - 11 (B) Frequency, type and extent of the oversight monitoring and inspection of third party agen-
 - 12 cies and manufacturing facilities; and
 - 13 (C) Frequency and description of information to be submitted as part of the monitoring process.
 - 14 (f) Prescribing fees for monitoring conducted by the department at the manufacturing plant site
 - 15 or at third party inspection service locations, which fees shall not exceed \$60 per hour.
 - 16 (4)(a) The department shall establish by rule a manufacturer compliance program to allow for
 - 17 plan approvals or inspections of prefabricated structures or prefabricated structure components at
 - 18 the facility at which the prefabrication takes place, including but not limited to the following pro-
 - 19 visions:
 - 20 (A) Quality assurance programs;
 - 21 (B) Procedures for use and application of insignia of compliance; and
 - 22 (C) Fees for and procedures for use and application of certification stamps.
 - 23 (b) A manufacturer of prefabricated structures shall provide the department with written notice
 - 24 at least 60 days before a manufacturer may provide for plan approval or inspection service as al-
 - 25 lowed under subsection (2) of this section.
 - 26 (c) The department is not required to provide plan approval for or inspection of any prefabri-
 - 27 cated structure or prefabricated structure components unless the department has been notified in
 - 28 writing by the manufacturer of the prefabricated structure 180 days in advance of the proposed as-
 - 29 sumption of department inspections.
 - 30 (5) A person may not rent, lease, sell, exchange, install or offer for rent, lease, sale, exchange
 - 31 or installation within this state a prefabricated structure constructed on or after July 1, 1991, unless
 - 32 it bears an insignia of compliance or certification stamp issued by the department or a third party
 - 33 indicating compliance with this state's building regulations and standards for prefabricated struc-
 - 34 tures. The prohibition in this subsection does not apply to a residential prefabricated structure in-
 - 35 tended for delivery in another state unless the residential prefabricated structure is installed or
 - 36 offered for installation in this state. A prefabricated structure with an insignia of compliance or
 - 37 certification stamp shall be acceptable to municipalities as meeting the state building code regu-
 - 38 lations. Prefabricated structures constructed prior to July 1, 1991, are subject to the building code
 - 39 regulations in effect at the time of original construction.
 - 40 (6) The provisions of this section do not apply to employees of the Department of Consumer and
 - 41 Business Services and testing laboratories approved under ORS chapters 447 and 479.
 - 42 (7) For purposes of this section, "insignia of compliance" means the plate affixed to a structure
 - 43 by the Department of Consumer and Business Services or a third party to signify compliance with
 - 44 all state building code requirements for which the structure was inspected.
 - 45 (8) Prefabricated structures or components found by the department or a third party to repre-

1 sent a danger to public health or safety shall be brought into compliance with building code regu-
2 lations or removed from the state.

3 (9) All plan approvals and inspections of prefabricated structures and prefabricated components
4 constructed at manufacturing plants outside of Oregon but intended for delivery into Oregon shall
5 be performed by the department or conducted under ORS 455.430.

6 **SECTION 16.** ORS 455.715 is amended to read:

7 455.715. As used in ORS 455.715 to 455.740, unless the context otherwise requires:

8 (1) "Building official" means a person charged by a municipality with responsibility for admin-
9 istration and enforcement of the state building code in the municipality.

10 (2) "Business of providing prefabricated structure plan approvals and inspections" means an in-
11 dependent contractor providing prefabricated structure plan approval or inspection services, or both,
12 under the following specialty codes[, *as provided in ORS 455.020, 455.705 and 455.715*]:

13 (a) Structural;

14 (b) Mechanical;

15 (c) Plumbing;

16 (d) Electrical; and

17 (e) Low-rise residential dwelling.

18 (3) "Inspector" means:

19 (a) A person, including a plans examiner, acting under the authority and direction of a building
20 official and charged with the responsibility of routine enforcement of one or more specialty codes
21 or parts of specialty codes;

22 (b) A person, including a plans examiner, who provides enforcement of one or more specialty
23 codes or parts of specialty codes and who is personally in the business of providing prefabricated
24 structure plan approvals or inspections or is employed by such a business;

25 (c) A specialized building inspector [*certified under ORS 455.723*] **licensed under section 19 of**
26 **this 2019 Act** who [*is employed by*] **provides services to** a municipality or [*by*] **through** the De-
27 partment of Consumer and Business Services;

28 (d) A person employed by [*a municipality or*] the department, **or employed by or contracting**
29 **with a municipality**, who is [*certified under ORS 455.732*] **licensed under ORS 455.720 and au-**
30 **thorized by the department or municipality** to perform inspections under one or more specialty
31 codes throughout a building code administrative region; or

32 (e) A person designated by the Director of the Department of Consumer and Business Services
33 to ensure compliance with a specialty code or with any requirement for a license, registration, cer-
34 tification, endorsement or other authorization to perform work related to the administration and
35 enforcement of the state building code.

36 **SECTION 17.** ORS 455.720 is amended to read:

37 455.720. (1) In accordance with applicable provisions of ORS chapter 183, to promote effective
38 and uniform enforcement of the state building code by improving the competence of building officials
39 and inspectors, the Director of the Department of Consumer and Business Services, with the advice
40 of the **appropriate** advisory boards, shall **select one or more independent accrediting entities**
41 **that the director determines to be competent to test and evaluate an applicant in comparison**
42 **to nationwide or multistate standards for persons who exercise the duties, functions and**
43 **powers of a building official or inspector.**[.]

44 [*(a) Establish for building officials and inspectors reasonable minimum training and experience*
45 *standards, including but not limited to courses or subjects for instruction, facilities for instruction,*

1 *qualification of instructors and methods of instruction. The standards shall include provisions for de-*
 2 *termining a practical experience equivalent.]*

3 *[(b) Establish a procedure to be used by municipalities to determine whether a person meets mini-*
 4 *imum standards or has minimum training to be appointed or employed as a building official or in-*
 5 *pector. The procedure shall allow for a field examination of a person to determine if the person meets*
 6 *the practical experience equivalent of a minimum standard.]*

7 *[(c) Subject to such terms, conditions and classifications as the director may impose, certify build-*
 8 *ing officials as being qualified, and revoke such certifications in the manner provided in ORS*
 9 *455.740.]*

10 *[(d) Require an applicant for a certificate as a building official or inspector to demonstrate*
 11 *knowledge of the laws governing accessibility to buildings by persons with disabilities by passing an*
 12 *examination prescribed by the director.]*

13 *[(2) The director shall maintain and, upon request of municipalities, furnish information on appli-*
 14 *cants for appointment or employment as building officials or inspectors.]*

15 **(2)(a) A determination by an accrediting entity selected by the director under subsection**
 16 **(1) of this section that an applicant meets or exceeds nationwide or multistate standards for**
 17 **persons who exercise the duties, functions and powers of a building official is prima facie**
 18 **evidence that the applicant possesses the minimum education, training and skills required**
 19 **for certification by the director and licensure as a building official.**

20 **(b) A determination by an accrediting entity selected by the director under subsection (1)**
 21 **of this section that an applicant meets or exceeds nationwide or multistate standards for**
 22 **persons who exercise the duties, functions and powers of an inspector with regard to one or**
 23 **more specialty codes is prima facie evidence that the applicant possesses the minimum edu-**
 24 **cation, training and skills required for certification by the director and licensure as an in-**
 25 **pector with regard to those specialty codes.**

26 **(c) Except as provided in ORS 455.740 or for other good cause set forth by the director**
 27 **in writing, the director shall certify the qualification of the applicant and issue or cause is-**
 28 **suance of an appropriate license as a building official or inspector if the applicant meets or**
 29 **exceeds nationwide or multistate standards for persons who exercise the duties, functions**
 30 **and powers of a building official or an inspector.**

31 **(3) The director shall maintain and, upon request of municipalities, furnish information**
 32 **regarding whether a candidate for appointment or employment as a building official or in-**
 33 **pector possesses a license under subsection (2) of this section.**

34 *[(3)] (4) Pursuant to ORS chapter 183, the director shall adopt rules necessary to carry out the*
 35 *certification and licensure programs [provided by subsection (1) of] described in this section.*

36 *[(4)] (5) The director, by rule, may require evidence of completion of relevant continuing edu-*
 37 *cation [covering any certification created under this section] as a condition of maintaining [the certi-*
 38 *fication] a license issued under this section. When establishing continuing education*
 39 *requirements, the director shall give consideration to any relevant continuing education re-*
 40 *quirements in nationwide or multistate use. Nothing in this subsection shall prohibit the director*
 41 *from delegating [any of this power] the verification of continuing education to a municipality.*

42 *[(5) The director, with the advice of the appropriate advisory boards, may adopt rules for certifying*
 43 *inspectors as being qualified to enforce one or more particular specialty codes, subject to any terms,*
 44 *conditions and classifications the director may impose, and for revoking those certifications in the*
 45 *manner provided in ORS 455.740.]*

1 **SECTION 18.** Section 19 of this 2019 Act is added to and made a part of ORS 455.715 to
2 455.740.

3 **SECTION 19.** (1)(a) The Director of the Department of Consumer and Business Services,
4 with the advice of the appropriate advisory boards, shall select one or more independent ac-
5 crediting entities that the director determines to be competent to test and evaluate an ap-
6 plicant in comparison to nationwide or multistate standards for inspectors with regard to
7 one or more specialty code parts identified by the director.

8 (b) The director shall consult with the appropriate advisory board prior to identifying
9 specialty code parts for which an accrediting entity is to conduct testing and evaluations
10 under this section.

11 (2)(a) A determination by an accrediting entity described under subsection (1) of this
12 section that an applicant meets or exceeds nationwide or multistate standards for a specialty
13 code inspector with regard to those specialty code parts identified by the director is prima
14 facie evidence that the applicant possesses the minimum education, training and skills re-
15 quired for certification by the director and licensure as a specialized building inspector
16 qualified to conduct inspections with regard to those specialty code parts.

17 (b) Notwithstanding ORS 446.250, 455.630, 455.720, 479.810 and 479.855, except as provided
18 under ORS 455.740 or for other good cause set forth by the director in writing, the director
19 shall certify the qualification of the applicant and issue or cause issuance of an appropriate
20 license as a specialized building inspector if the applicant meets or exceeds nationwide or
21 multistate standards for a specialty code inspector with regard to one or more specialty code
22 parts identified by the director.

23 (3) An individual licensed as a specialized building inspector under this section may con-
24 duct inspections and enforce parts of specialty codes under ORS 479.510 to 479.945 and 479.950
25 and this chapter and ORS chapters 446, 447 and 693 as identified by the director.

26 (4) The director, in consultation with the State Plumbing Board, shall identify parts of
27 the plumbing specialty code appropriate for inspection by specialized building inspectors and
28 make certification and licensure as a specialized building inspector available with regard to
29 the identified plumbing specialty code parts.

30 (5) Notwithstanding ORS 479.630, the director, in consultation with the Electrical and
31 Elevator Board under ORS 479.810, shall identify parts of the electrical specialty code ap-
32 propriate for inspection by specialized building inspectors and make certification and
33 licensure as a specialized building inspector available with regard to the identified electrical
34 specialty code parts.

35 **SECTION 20.** ORS 455.730 is amended to read:

36 455.730. [No] A person [shall] **may not** be appointed or employed as a building official [or in-
37 spector by any municipality], **be employed as an inspector by the Department of Consumer and**
38 **Business Services or be employed by or contract with a municipality as an inspector** unless
39 the person has been certified as being qualified **and issued a license** under ORS 455.715 to 455.740,
40 and the [certification] **license** has not lapsed or been revoked.

41 **SECTION 21.** ORS 455.732 is amended to read:

42 455.732. (1) As used in this section, “building code administrative region” means a region es-
43 tablished by the Director of the Department of Consumer and Business Services under ORS 455.042
44 for the uniform administration of the state building code.

45 (2) The authority of the director under ORS 455.720 and [455.723 to specify terms, conditions and

1 *classifications]* **section 19 of this 2019 Act to identify specialty code parts** for the certification
 2 **and licensure** of inspectors includes the authority to certify **and license** an inspector to perform
 3 inspections under multiple specialty codes or parts of [*a specialty code*] **multiple specialty codes**.

4 [(3) *The director may provide for an inspector who is likely to be employed within a specific*
 5 *building code administrative region to be certified to perform inspections throughout a building code*
 6 *administrative region, whether within or outside of a municipality. The director may recognize any*
 7 *training program certified by the director under ORS 455.723 or 455.725 for purposes of certifying an*
 8 *inspector to perform inspections throughout a building code administrative region.*]

9 **(3) The certification and licensure of an individual under ORS 455.720 as a building official**
 10 **authorizes the employment of the individual as a building official under ORS 455.148 or**
 11 **455.150 without any additional approval from the director.**

12 **(4)(a) The certification and licensure of an individual under ORS 455.720 as a specialty**
 13 **code inspector or under section 19 of this 2019 Act as a specialized building inspector au-**
 14 **thorizes the employment of, or contracting with, the individual by a municipality as an in-**
 15 **spector under ORS 455.148 or 455.150 without any additional approval from the director. An**
 16 **individual employed by the Department of Consumer and Business Services or employed by**
 17 **or contracting with a municipality as an inspector may perform any inspections within the**
 18 **scope of the license held by the individual. If the individual is employed by the department,**
 19 **or is employed by or contracts with a municipality that is located within a building code ad-**
 20 **ministrative region, except as provided in paragraph (b) of this subsection, the individual**
 21 **may perform inspections throughout the building code administrative region, whether inside**
 22 **or outside of a municipality.**

23 **(b) Paragraph (a) of this subsection does not require a municipality administering and enforc-**
 24 **ing a building inspection program under ORS 455.148 or 455.150 to allow an inspector [*certified un-***
 25 ***der*] described in paragraph (a) of this subsection who is not employed by or contracting with**
 26 **the municipality to perform [*building*] inspections on behalf of the municipality.**

27 [(4) *In determining the appropriate experience, training or other qualifications for an inspector*
 28 *under ORS 455.720 or 455.723, the director shall consult with the appropriate advisory boards. The*
 29 *factors to be considered by the director may include, but need not be limited to:]*

30 [(a) *Any factors specific to, or of particular relevance to, a specialty code or to the types of*
 31 *buildings, structures, systems or equipment in a geographic area that are inspected under the specialty*
 32 *code;]*

33 [(b) *Staffing levels or other specific criteria for building inspection programs established by a*
 34 *municipality where the inspector is likely to be employed or for building inspection programs estab-*
 35 *lished by the director; and]*

36 [(c) *Any factors specific to, or of particular relevance to, the building code administrative region*
 37 *within which the inspector is likely to be employed.]*

38 [(5) *In determining the scope of certifications and qualifications for an inspector, the director may*
 39 *utilize field training equivalency, independent evaluations or other methods the director deems appro-*
 40 *priate.]*

41 **SECTION 22.** ORS 455.735 is amended to read:

42 455.735. (1) The Director of the Department of Consumer and Business Services may issue cer-
 43 tificates **of qualification and licenses** for building officials and [*building*] inspectors under ORS
 44 455.715 to 455.740.

45 (2) Any person desiring issuance of an initial [*certificate*] **license** as a building official or in-

1 spector shall make application to the director upon such forms as the director may prescribe for
2 such purpose and pay an application fee.

3 *[(3) If the director requires, by rule, an applicant for a particular certification to pass an exam-*
4 *ination prepared by a national organization, the applicant shall pay in addition to the fee required in*
5 *subsection (2) of this section, the cost of the examination. If the director requires an applicant for cer-*
6 *tification to pass an examination administered by the Department of Consumer and Business Services,*
7 *the department may charge the applicant an examination administration fee.]*

8 *[(4) Upon determining that the applicant is qualified under ORS 455.715 to 455.740, the director*
9 *shall issue a certificate or cause a certificate to be issued to the applicant.]*

10 **(3) The applicant shall pay an accrediting entity described in ORS 455.720 or 455.737 or**
11 **section 19 of this 2019 Act for any testing and evaluation of the applicant by the entity.**

12 *[(5)]* **(4) A [certificate] license issued under [this section] ORS 455.720 or section 19 of this 2019**
13 **Act shall be valid for a term established by the Department of Consumer and Business Services**
14 **by rule. An applicant for renewal of a [certificate] license shall submit an application on a form**
15 **approved by the director and pay a renewal application fee.**

16 *[(6)]* **(5) The department may adopt rules establishing [certificate] continuing education or**
17 **other renewal requirements and establishing reasonable fees under this section.**

18 *[(7)]* **(6) The department may charge fees for participation in training programs approved or es-**
19 **tablished by the department under ORS 455.220 or 455.715 to 455.740.**

20 **SECTION 23.** ORS 455.737 is amended to read:

21 455.737. *[(1) Notwithstanding ORS 455.720 (1), the Director of the Department of Consumer and*
22 *Business Services, by rule, shall adopt criteria for review of the experience and training in building*
23 *inspection and building plan review acquired by a person outside the State of Oregon. The criteria*
24 *shall be adopted in a manner that facilitates review of a person's qualifications by a local building*
25 *official.]*

26 **(1) Notwithstanding ORS 455.720 or section 19 of this 2019 Act, the Director of the De-**
27 **partment of Consumer and Business Services, by rule, shall allow a person who is employed**
28 **outside this state in a position substantially equivalent to that of a building official or an**
29 **inspector to submit the results of testing and evaluation by an independent accrediting entity**
30 **that is not described in ORS 455.720 or section 19 of this 2019 Act when filing an application**
31 **under ORS 455.735. In addition to any other fees, the director may charge a fee to cover any**
32 **additional cost incurred by the director in processing an application under this section. Ex-**
33 **cept as provided under ORS 455.740 or for other good cause set forth by the director in**
34 **writing, the director shall certify the qualification of the person and issue or cause issuance**
35 **of a license under ORS 455.720 as a building official or inspector or under section 19 of this**
36 **2019 Act as a specialized building inspector if the director determines that:**

37 **(a) The accrediting entity applied nationwide or multistate standards to test and evaluate**
38 **the applicant;**

39 **(b) The nationwide or multistate standards are as reliable as the standards employed by**
40 **independent accrediting entities described in ORS 455.720 or section 19 of this 2019 Act; and**

41 **(c) The accrediting entity found that the applicant meets or exceeds nationwide or**
42 **multistate standards for persons who exercise the duties, functions and powers of a building**
43 **official or an inspector.**

44 *[(2)(a)]* **(2) A local building official who wishes to employ or contract with a person who is not**
45 **certified and licensed under ORS [455.735] 455.720 or section 19 of this 2019 Act as an inspector**

1 [shall] **may** submit the person's [qualifications] **testing and evaluation information** to the director
 2 **on behalf of the person for processing under subsection (1) of this section.** [The director shall
 3 review the stated qualifications against the criteria adopted under subsection (1) of this section, in-
 4 cluding verification of experience and training]. The director shall respond to the local building offi-
 5 cial in writing within 10 working days of receiving the [applicant's qualifications] **information,**
 6 stating whether the person [meets the applicable criteria] **qualifies for certification and licensure.**

7 (b) Upon application and payment of the required fee, the director shall allow a person whose
 8 qualifications meet the criteria adopted under subsection (1) of this section to sit for any examination
 9 necessary for the required certification.]

10 (3) **This section does not prohibit a person who is employed outside this state from ap-
 11 plying for a license as described in ORS 455.720 or section 19 of this 2019 Act.**

12 **SECTION 24.** ORS 455.740 is amended to read:

13 455.740. (1) Subject to ORS chapter 183, the Director of the Department of Consumer and Busi-
 14 ness Services may deny, condition, suspend, revoke or refuse to renew [a certificate] **the license** of
 15 a building official or inspector if the director finds that the building official or inspector has:

16 (a) Consistently failed to act in the public interest in the performance of duties;

17 (b) Failed to complete [the] continuing education requirements [as required under ORS 455.720
 18 (4)] **established by the director;**

19 (c) Provided false information to the Department **of Consumer and Business Services;** or

20 (d) Committed an act described in ORS 455.125, **455.127** or 455.129.

21 (2) In any revocation proceeding under this section, the municipality that employs the building
 22 official or inspector shall be entitled to appear as a party in interest, either for or against the re-
 23 vocation.

24 (3) When a [certification] **license** is suspended or revoked under this section, the director may
 25 also suspend, deny or place conditions on that person's right to reapply for [certification] **licensing**
 26 under ORS 455.735 for a period not to exceed 12 months.

27 (4) This section does not limit or otherwise affect the authority of a municipality to dismiss or
 28 suspend a building official or inspector at the discretion of the municipality.

29 (5) Notwithstanding the requirements of subsections (1) to (4) of this section, the director may
 30 adopt rules that:

31 (a) Allow [certifications] **licenses** to be placed on inactive status; and

32 (b) Extend continuing education compliance requirements in case of illness or hardship.

33 **SECTION 25.** ORS 455.770 is amended to read:

34 455.770. (1) In addition to any other authority and power granted to the Director of the De-
 35 partment of Consumer and Business Services under ORS 446.003 to 446.200, 446.225 to 446.285,
 36 446.395 to 446.420, 479.510 to 479.945, 479.995 and 480.510 to 480.670 and this chapter and ORS
 37 chapters 447, 460 and 693, with respect to municipalities, building officials and inspectors, if the di-
 38 rector has reason to believe that there is a failure to enforce or a violation of any provision of the
 39 state building code or ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 479.510 to
 40 479.945, 479.995 or 480.510 to 480.670 or this chapter or ORS chapter 447, 460 or 693 or any rule
 41 adopted under those statutes, the director may:

42 (a) Examine building code activities of the municipality;

43 (b) Take sworn testimony; and

44 (c) With the authorization of the Office of the Attorney General, subpoena persons and records
 45 to obtain testimony on official actions that were taken or omitted or to obtain documents otherwise

1 subject to public inspection under ORS 192.311 to 192.478.

2 (2) The investigative authority authorized in subsection (1) of this section covers the violation
3 or omission by a municipality related to enforcement of codes or administrative rules, [*certification*]
4 **licensing** of inspectors or financial transactions dealing with permit fees and surcharges under any
5 of the following circumstances when:

6 (a) The duties are clearly established by law, rule or agreement;

7 (b) The duty involves procedures for which the means and methods are clearly established by
8 law, rule or agreement; or

9 (c) The duty is described by clear performance standards.

10 (3) Prior to starting an investigation under subsection (1) of this section, the director shall notify
11 the municipality in writing setting forth the allegation and the rules or statutes pertaining to the
12 allegation and give the municipality 30 days to respond to the allegation. If the municipality does
13 not satisfy the director's concerns, the director may then commence an investigation.

14 (4) If the Department of Consumer and Business Services or the director directs corrective
15 action, the following shall be done:

16 (a) The corrective action shall be in writing and served on the building official and the chief
17 executive officers of all municipalities affected;

18 (b) The corrective action shall identify the facts and law relied upon for the required action; and

19 (c) A reasonable time shall be provided to the municipality for compliance.

20 (5) The director may revoke any authority of the municipality to administer any part of the state
21 building code or ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 479.510 to 479.945,
22 479.995 or 480.510 to 480.670 or this chapter or ORS chapter 447, 460 or 693 or any rule adopted
23 under those statutes if the director determines after a hearing conducted under ORS 183.413 to
24 183.497 that:

25 (a) All of the requirements of this section and ORS 455.775 and 455.895 were met; and

26 (b) The municipality did not comply with the corrective action required.

27 **SECTION 26.** ORS 479.530 is amended to read:

28 479.530. As used in ORS 479.510 to 479.945 and 479.995, unless the context requires otherwise:

29 (1) "Approved testing laboratory" means a testing laboratory that meets criteria for electrical
30 product evaluation established by the Director of the Department of Consumer and Business Ser-
31 vices with the approval of the Electrical and Elevator Board under ORS 479.730.

32 (2) "Board" means the Electrical and Elevator Board established under ORS 455.138.

33 (3) "Certified electrical product" means an electrical product that is certified under ORS 479.760
34 and that is not decertified.

35 [(4) "*Competent inspection service*" means an electrical inspection service of a city or county ad-
36 ministered under ORS 455.148 or 455.150 that employs electrical inspectors who are certified to meet
37 standards under ORS 479.810.]

38 [(5)] (4) "Commercial electrical air conditioning equipment" means heating, cooling, refriger-
39 ation, dehumidifying, humidifying and filtering equipment used for climatizing or moving of air if
40 used in commerce, industry or government and if installed in a place not accessible to the general
41 public other than the switches regulating the operation of the equipment.

42 [(6)] (5) "Demarcation point" means the place of interconnection between the communications
43 cabling, terminal equipment or protective apparatus of the telecommunications service provider and
44 the customer's premises.

45 [(7)] (6) "Department" means the Department of Consumer and Business Services.

1 [(8)] (7) "Director" means the Director of the Department of Consumer and Business Services.

2 [(9)] (8) "Dwelling unit" means one or more rooms for the use of one or more persons as a
3 housekeeping unit with space for eating, living and sleeping and permanent provisions for cooking
4 and sanitation.

5 [(10)] (9) "Electrical installations" means the construction or installation of electrical wiring
6 and the permanent attachment or installation of electrical products in or on any structure that is
7 not itself an electrical product. "Electrical installation" also means the maintenance or repair of
8 installed electrical wiring and permanently attached electrical products. "Electrical installation"
9 does not include an oil module.

10 [(11)] (10) "Electrical product" means any electrical equipment, material, device or apparatus
11 that, except as provided in ORS 479.540, requires a license or permit to install and either conveys
12 or is operated by electrical current.

13 [(12)] (11) "Equipment" means any material, fittings, devices, appliances, fixtures, apparatus or
14 the like that are used as part of or in connection with an electrical installation.

15 [(13)] (12) "Field evaluation firm" means an independent organization that provides:

16 (a) Evaluations or testing, or both; and

17 (b) Documentation regarding compliance with electrical product safety standards and with the
18 electrical installation safety code.

19 [(14)] (13) "Industrial electrical equipment" means electrical products used in industry or gov-
20 ernment that utilize electric energy for mechanical, chemical, heating, lighting or similar purposes,
21 that are designed to service or produce a product and that are used directly in the production of
22 the service or product.

23 [(15)] (14) "Installation label" means an adhesive tag issued by governmental agencies that ad-
24 minister the Electrical Safety Law to licensed electrical contractors for application to those minor
25 electrical installations for which the board by rule determines to be appropriate for random in-
26 spections.

27 [(16)] (15) "License" means a permit issued by the department under ORS 479.630 authorizing
28 the person whose name appears as licensee thereon to act as an electrical contractor, supervising
29 electrician, journeyman electrician, electrical apprentice or limited elevator journeyman as indicated
30 thereon.

31 [(17)] (16) "Minimum safety standards" means safety standards prescribed by concurrence of the
32 board and the director under ORS 479.730.

33 [(18)] (17) "Multifamily dwelling" means a building containing more than one dwelling unit.

34 [(19)] (18) "Oil module" means a prefabricated structure manufactured to the specifications of
35 the purchaser and used outside this state in the exploration for or processing or extraction of pe-
36 troleum products.

37 [(20)] (19) "Permit" means an official document or card issued by the enforcing agency to au-
38 thorize performance of a specified electrical installation.

39 [(21)] (20) "Single family dwelling" means a building consisting solely of one dwelling unit.

40 [(22)] (21) "Telecommunications service provider" means a telecommunications carrier as de-
41 fined in ORS 133.721 or a telecommunications utility or competitive telecommunications provider,
42 both as defined in ORS 759.005.

43 [(23)] (22) "Uncertified product" means any electrical product that is not an electrical product
44 certified under ORS 479.760.

45 **SECTION 27.** ORS 479.810 is amended to read:

1 479.810. (1) The Electrical and Elevator Board shall administer and enforce ORS 479.510 to
 2 479.945 and 479.995. The Director of the Department of Consumer and Business Services shall ap-
 3 point an adequate staff of competent persons experienced and trained to serve as electrical inspec-
 4 tors **for the Department of Consumer and Business Services. The director shall also make**
 5 **licensure available to persons qualifying under this section to perform electrical specialty**
 6 **code inspections on behalf of municipalities under ORS 455.148 or 455.150.** The board shall as-
 7 sist the director in reviewing determinations made by the staff involving electrical installations or
 8 products and to assist in formulating rules under ORS 479.730.

9 (2) The director, in consultation with the board, shall appoint a representative of the
 10 department's staff of electrical inspectors **appointed under subsection (1) of this section** who
 11 shall serve [*ex officio*] as secretary of the board. This person shall be known as the Chief Electrical
 12 Inspector.

13 (3) The director shall [*certify*] **appoint or license** a person as an electrical inspector if:

14 (a) The person:

15 (A) Completes a general journeyman electrical apprenticeship program in Oregon;

16 (B) Has two years' experience as a licensed electrician in Oregon; and

17 (C) Passes the examination required for certification as a supervising electrician; or

18 (b) For a person with experience outside the State of Oregon, the person:

19 (A)(i) Has five years' experience in commercial or industrial electrical inspection; and

20 (ii) Passes the examination required for certification as a general supervising electrician; or

21 (B) Has six years of out-of-state experience as an electrician and passes the examination re-
 22 quired for certification as a general supervising electrician.

23 (4) The board may, by rule, allow [*certification*] **appointment or licensure** of persons as elec-
 24 trical inspectors with experience or training that does not meet the requirements specified in sub-
 25 section (3) of this section. **However, experience and training requirements for licensure under**
 26 **this subsection must be based on a comparison to nationwide or multistate standards for**
 27 **electrical inspector experience and training and must require that the licensee meet or ex-**
 28 **ceed those nationwide or multistate standards.**

29 (5) Rules adopted under this section shall provide for the recognition of equivalent experience
 30 acquired by a person outside the State of Oregon.

31 (6) An examination taken for purposes of applying for [*certification*] **appointment or licensing**
 32 as an electrical inspector under this section shall not be valid for use in an application to become
 33 licensed as a supervising electrician.

34 (7) **The licensure of an individual under this section as an electrical inspector authorizes**
 35 **the employment of, or contracting with, the individual as an electrical inspector under ORS**
 36 **455.148 or 455.150 without any additional approval from the director or the board. If the in-**
 37 **dividual is employed by the department or is employed by or contracts with a municipality**
 38 **that is located within a building code administrative region, except as provided in this sub-**
 39 **section, the individual may perform electrical inspections throughout the building codes ad-**
 40 **ministrative region, whether inside or outside of a municipality. This subsection does not**
 41 **require a municipality administering and enforcing a building inspection program under ORS**
 42 **455.148 or 455.150 to allow an electrical inspector who is not employed by or contracting with**
 43 **the municipality to perform inspections on behalf of the municipality.**

44 (8) **Notwithstanding subsection (3) of this section, the board shall identify electrical spe-**
 45 **cialty code parts appropriate for inspection by specialized building inspectors qualified under**

1 section 19 of this 2019 Act and report the information to the director.

2 **SECTION 28.** Notwithstanding ORS 455.630 and 479.810 and section 19 of this 2019 Act,
 3 an individual holding a lapsed authorization to conduct inspections as a specialized building
 4 inspector with regard to plumbing specialty code parts or electrical specialty code parts may,
 5 upon payment of a license fee, obtain a license under section 19 of this 2019 Act as a spe-
 6 cialized building inspector to conduct inspections with regard to plumbing specialty code
 7 parts or electrical specialty code parts. This section does not require the Director of the
 8 Department of Consumer and Business Services to issue a license if the lapsed authorization
 9 was at any time denied, conditioned, suspended or revoked under ORS 455.740. An applicant
 10 for licensure under this section must apply for the license before January 1, 2022. Upon is-
 11 suance, a specialized building inspector license issued under this section shall for all purposes
 12 be treated as a specialized building inspector license issued under section 19 of this 2019 Act.

13 **SECTION 29.** ORS 480.525 is amended to read:

14 480.525. (1) ORS 480.510 to 480.670 do not apply to:

15 (a) Boilers and pressure vessels under federal safety regulations or control.

16 (b) Domestic water heaters designed for heating potable water, equipped with an approved
 17 pressure-relieving device, containing only water and that do not exceed a:

18 (A) Capacity of 120 gallons;

19 (B) Water temperature of 210 degrees Fahrenheit;

20 (C) Pressure of 150 pounds per square inch gauge pressure; or

21 (D) Heat input of 200,000 BTU per hour.

22 (c) Domestic water heaters designed to create hot water instantaneously on demand without the
 23 use of a storage tank.

24 (d) Pressure vessels containing liquefied petroleum gas that are under the jurisdiction of the
 25 State Fire Marshal. However, the construction and repair of the vessels must comply with ORS
 26 480.510 to 480.670 and are under the jurisdiction of the Board of Boiler Rules.

27 (e) Air tanks used in the operation of brakes on self-propelled vehicles and trailers that are used
 28 for transporting freight or passengers.

29 (f) Medical sterilizers that do not exceed one and one-half cubic feet in volume.

30 (g) Pressure vessels that do not exceed one and one-half cubic feet in volume and:

31 (A) Are not operated at gauge pressure of more than 150 pounds per square inch;

32 (B) Are equipped with a relief valve;

33 (C) Are approved under the American Society of Mechanical Engineers code adopted by the
 34 board;

35 (D) Are set at a maximum pressure of 150 pounds per square inch or less; and

36 (E) Are located in a place of public assembly.

37 (h) Pressure vessels that do not exceed five cubic feet in volume and:

38 (A) Are not operated at gauge pressure of more than 150 pounds per square inch;

39 (B) Are equipped with a relief valve;

40 (C) Are approved under the American Society of Mechanical Engineers code adopted by the
 41 board; and

42 (D) Are set at a maximum pressure of 150 pounds per square inch or less.

43 (2) Notwithstanding subsection (1) of this section, if the board, upon presentation of satisfactory
 44 evidence, determines that danger to health or safety is evident in any pressure vessel or class of
 45 pressure vessels exempted under subsection (1)(g) of this section, the board may require the in-

1 spection or reinspection of the pressure vessel or class of pressure vessels and make the pressure
 2 vessel or class of pressure vessels subject to the fee, construction or other requirements of ORS
 3 480.510 to 480.670.

4 (3) The following boilers and pressure vessels are exempt from ORS 480.510 to 480.670, except
 5 as to all provisions relating to construction, installation, alteration or repair and to installation
 6 permits:

7 (a) Boilers that are not operated at gauge pressures of more than 15 pounds per square inch and
 8 that are located on farms and used solely for agricultural purposes except when used in connection
 9 with a greenhouse.

10 (b) Air tanks located on farms and used solely for agricultural purposes.

11 (c) Boilers and pressure vessels that are located in private residences and may be inspected only
 12 by a boiler inspector.

13 (d) Pressure vessels being operated at gauge pressures of less than 15 pounds per square inch
 14 and equipped with a pressure relief device set to open at a pressure that does not exceed the lesser
 15 of the pressure vessel's maximum allowed working pressure or 15 pounds per square inch gauge
 16 pressure.

17 (4)(a) Beverage service tanks that have a product volume of five cubic feet or less are exempt
 18 from ORS 480.510 to 480.670.

19 (b) Except as provided in paragraph (c) of this subsection, beverage service tanks that have a
 20 product volume of more than five cubic feet are exempt from ORS 480.510 to 480.670, except as to
 21 provisions relating to installation permits and installation inspections. The installation permit fee
 22 for a beverage service tank is \$50.

23 (c) All portable beverage tanks are exempt from ORS 480.510 to 480.670.

24 (5) The Director of the Department of Consumer and Business Services may adopt rules identi-
 25 fying boilers and pressure vessels used in single family dwellings or other structures that may be
 26 inspected by an inspector [*certified*] **licensed** under ORS 455.715 to 455.740 for a specialty code other
 27 than the code adopted under ORS 480.545. The boilers and pressure vessels identified in the rules
 28 shall be subject to inspection upon installation, alteration or repair, but be exempt from periodic
 29 inspection under ORS 480.560 and from the operating permit requirements of ORS 480.585.

30 (6) Notwithstanding any requirement of ORS 480.510 to 480.670 or the state building code, the
 31 Department of Consumer and Business Services may adopt rules granting partial or complete ex-
 32 emption from ORS 480.510 to 480.670 for a boiler or pressure vessel if the board determines that the
 33 boiler or pressure vessel does not present a danger to public health or safety within this state.

34 **SECTION 30.** ORS 480.565 is amended to read:

35 480.565. The Director of the Department of Consumer and Business Services shall:

36 (1) Appoint a chief boiler inspector who has had practical experience in the construction,
 37 maintenance, repair or operation of high pressure boilers and pressure vessels as a mechanical en-
 38 gineer, practical steam operating engineer, boilermaker or boiler inspector and who:

39 (a) Has passed a written examination, which shall be confined to questions the answers to which
 40 will aid in determining the fitness and competency of the applicant to inspect boilers and pressure
 41 vessels; or

42 (b) Holds a certificate of competency as an inspector of boilers and pressure vessels issued by
 43 a state that has standards of examination equal to those of the State of Oregon and that recognizes
 44 [*certificates of competency*] **inspector licenses** issued by the State of Oregon, and has passed an ex-
 45 amination that assesses the applicant's knowledge of ORS 480.510 to 480.670 and the rules adopted

1 thereunder.

2 (2) Appoint deputy inspectors who shall be responsible to the chief boiler inspector and who
3 shall have qualified as provided in subsection (1) of this section, except that less practical experi-
4 ence shall be required.

5 (3) Issue a certificate of competency as a special inspector to any individual who qualifies as
6 provided in subsection (1) of this section, except that no more practical experience shall be required
7 than is required of a deputy inspector, and who is continuously employed by:

8 (a) An insurer who may and does write policies of boiler and pressure vessel insurance in
9 Oregon; or

10 (b) Any person operating pressure vessels in this state whose service, personnel, equipment and
11 supervision meet the requirements prescribed by the Board of Boiler Rules.

12 **SECTION 31.** ORS 480.605 is amended to read:

13 480.605. The Department of Consumer and Business Services may:

14 (1) Collect fees for shop inspections, or for inspections, testing, consultations, site visits or other
15 services for which no fee is otherwise specified, in the amount of \$75 per hour of travel and in-
16 spection time.

17 (2) Collect a fee for welding and inspectors' examinations and for the **issuance and** renewal of
18 [*inspectors'*] **inspector licenses and specialty inspector** certifications. The Board of Boiler Rules
19 shall fix the amount of the fee.

20 **SECTION 32.** ORS 455.622, 455.723 and 455.725 are repealed.

21 **SECTION 33.** (1) Section 19 of this 2019 Act, the amendments to ORS 455.457, 455.720,
22 455.735, 455.737 and 479.810 by sections 9, 17, 22, 23 and 27 of this 2019 Act and the repeal of
23 ORS 455.622, 455.723 and 455.725 by section 32 of this 2019 Act apply to building official and
24 inspector applications filed on or after January 1, 2021.

25 (2) Section 19 of this 2019 Act, the amendments to ORS 446.250, 446.255, 447.091, 455.046,
26 455.055, 455.140, 455.420, 455.457, 455.459, 455.467, 455.469, 455.628, 455.630, 455.705, 455.715,
27 455.720, 455.730, 455.732, 455.735, 455.737, 455.740, 455.770, 479.530, 479.810, 480.525, 480.565 and
28 480.605 by sections 1 to 3, 5 to 17, 20 to 27 and 29 to 31 of this 2019 Act and the repeal of ORS
29 455.622, 455.723 and 455.725 by section 32 of this 2019 Act do not restrict, invalidate or ter-
30 minate any certification issued under ORS 455.622, 455.715 to 455.740 or 479.810 in response
31 to an application filed before January 1, 2021, or affect the ability of a certificate holder to
32 be a building official or inspector. The holder of a certificate issued under ORS 455.622,
33 455.715 to 455.740 or 479.810 in response to an application filed before January 1, 2021, may
34 exercise the same duties, functions, powers and privileges, and is subject to the same con-
35 ditions, terms and requirements, as the holder of a license issued under ORS 455.715 to
36 455.740 or 479.810 on or after January 1, 2021.

37 (3) The holder of a specialized building inspector certificate issued under ORS 455.723
38 (2017 Edition) that is active on the effective date of this 2019 Act may exercise the same
39 duties, functions, powers and privileges, and is subject to the same conditions, terms and
40 requirements, as the holder of a specialized building inspector license issued under section
41 19 of this 2019 Act for the same specialty code parts.

42 (4) If the Department of Consumer and Business Services approves the renewal of a
43 certificate described in subsection (2) or (3) of this section, the department shall convert the
44 certificate to an equivalent building official or inspector license.