

ORIGINAL

HISTORY SHEET SENATE

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GROENER, Representative ELLIOTT

TITLE: Relating to property, including but not limited to the regulation of building construction and the installation of devices and equipment; creating new provisions; amending ORS 447.080, 460.175, 460.370 and others; repealing ORS 447.110, 447.120 and 447.130; appropriating money; limiting expenditures; providing penalties; and declaring an emergency.

SENATE ACTION		HOUSE ACTION	
READ FIRST TIME JAN 22 1973	READ SECOND TIME JAN 29 1973	READ FIRST TIME MAY 18 1973	READ SECOND TIME MAY 21 1973
REFERRED TO <i>Labor & Industries</i>	REFERRED TO <i>State & Fed. af</i>	REFERRED TO <i>State & Fed. af</i>	REFERRED TO <i>State & Fed. af</i>
REPORTED BACK MAR 16 1973	WITH THE RECOMMENDATION THAT IT ▼	REPORTED BACK JUN 29 1973	WITH THE RECOMMENDATION THAT IT ▼
<i>Do pass w/amdts</i>		<i>Do pass w/amendments</i>	
REFERRED TO <i>Ways & Means</i>	REFERRED TO <i>Ways & Means</i>	REFERRED TO	REFERRED TO
REPORTED BACK MAY 14 1973	WITH THE RECOMMENDATION THAT IT ▼	REPORTED BACK	WITH THE RECOMMENDATION THAT IT ▼
<i>Do pass with amendments</i>			
READ THIRD TIME AND PASSED MAY 17 1973		READ THIRD TIME AND PASSED July 2, 1973	
SIGNED <i>Cecil L. Edwards</i>	SECRETARY OF SENATE	SIGNED <i>Joe J. Mohr</i>	CHIEF CLERK
DATE JUL 3 1973	<i>Cecil L. Edwards</i>	SENATE CONCURRED IN HOUSE AMENDMENTS AND REPASSED	

ADDITIONAL ACTION

DATE	ACTION

Senate Bill No. 73

Enrolled
Senate Bill 73

Sponsored by Senator GROENER, Representatives ELLIOTT, MARTIN

CHAPTER.....

AN ACT

Relating to property, including but not limited to the regulation of building construction and the installation of devices and equipment; creating new provisions; amending ORS 447.080, 460.175, 460.370, 476.080, 479.155, 479.530, 479.540, 479.820, 479.850 and 480.610; repealing ORS 447.110, 447.120 and 447.130; appropriating money; limiting expenditures; providing penalties; and declaring an emergency.

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

SECTION 1. As used in sections 1 to 29 of this Act, unless the context requires otherwise:

- (1) "Administrator" means the state building code administrator.
- (2) "Advisory board" means the advisory board with responsibility for assisting in the adoption, amendment or administration of a specialty code.
- (3) "Department" means the Department of Commerce.
- (4) "Director" means the Director of Commerce.
- (5) "Municipality" means a city, county or other unit of local government otherwise authorized by law to enact a building code.
- (6) "Prefabricated structure" means a building or structural unit which has been in whole or substantial part manufactured at an off-site location to be wholly or partially assembled on site; but does not include a mobile home, trailer or recreational vehicle.
- (7) "Specialty code" means a code of regulations adopted under subsection (2) of section 2 of this Act, ORS 446.185, subsection (2) of 447.020, ORS 460.085, 460.360, subsection (1) of 479.730 or ORS 480.535; but does not include regulations adopted by the State Fire Marshal pursuant to ORS chapter 476 or ORS 479.010 to 479.200 and 479.210 to 479.220.
- (8) "State building code" means the combined specialty codes.
- (9) "Structural code" means the specialty code prescribing structural standards for building construction.

SECTION 2. (1) Sections 1 to 29 of this Act are enacted to enable the Director of Commerce to promulgate a state building code to govern the construction, reconstruction, alteration and repair of buildings and other structures and the installation of mechanical devices and equipment therein, which will establish basic and uniform performance standards providing reasonable safeguards for health, safety, welfare, comfort and security of the residents of this state who are occupants and users of buildings, and will provide for the use of modern methods, devices, materials, techniques and maximum energy conservation.

(2) The regulations adopted pursuant to sections 1 to 29 of this Act shall include structural standards; standards for the installation and use of mechanical, heating and ventilating devices and equipment; and standards

for prefabricated structures; and shall, subject to section 3 of this Act, prescribe reasonable fees for the issuance of building permits and similar documents, inspections and plan review services, by the department.

(3) Sections 1 to 29 of this Act do not affect the statutory jurisdiction and authority of the Workmen's Compensation Board, under ORS chapter 654, to promulgate occupational safety and health standards relating to places of employment, and to administer and enforce all state laws, regulations, rules, standards and lawful orders requiring places of employment to be safe and healthful.

(4) Sections 1 to 29 of this Act and any specialty code do not limit the authority of a municipality to enact regulations providing for local administration of the state building code; local appeal boards; fees and other charges; abatement of nuisances; enforcement through penalties; stop-work orders or other means; or minimum health, sanitation and safety standards for governing the use of structures for housing, except where the power of municipalities to enact any such regulations is expressly withheld by statute.

SECTION 3. (1) Fees shall be prescribed as required by section 2 of this Act for permits issued by the department for the construction, reconstruction, alteration and repair of prefabricated structures and of buildings and other structures and the installation of mechanical heating and ventilating devices and equipment. The fees shall be based on the total valuation of the proposed structure or installation, shall not exceed the maximum fees set out in the following schedule and shall not be effective until approved by the Executive Department.

TOTAL VALUATION	MAXIMUM FEE
\$1 to \$500	\$5
\$501 to \$2,000	\$5 for the first \$500 plus \$1 for each additional \$100 or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	\$20 for the first \$2,000 plus \$4 for each additional thousand or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$112 for the first \$25,000 plus \$3 for each additional thousand or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$187 for the first \$50,000 plus \$2 for each additional thousand or fraction thereof, to and including \$100,000.
\$100,001 to \$500,000	\$287 for the first \$100,000 plus \$1.50 for each additional thousand or fraction thereof, to and including \$500,000
\$500,000 and up	\$887 for the first \$500,000 plus \$1 for each additional thousand or fraction thereof.

(2) The fee for examining plans and specifications submitted to the administrator under section 20 of this Act or ORS 479.155 shall be the same as the fee prescribed for a permit under subsection (1) of this section. However, if the valuation of the proposed structure or installation exceeds \$1,000, the fee shall be one-half the amount of the prescribed permit fee.

(3) A municipality shall not, for the kind of permits provided for by subsection (1) of this section, enact or enforce any ordinance, rule or regulation fixing any permit fee that is higher than the maximum fee provided by this section unless the municipality has the prior approval of the director to do so. The director shall approve any such fee or fees if he finds, after notice and hearing, that the proposed fee or fees are reasonable

and necessary to provide funds for the municipality to pay for the expenses of carrying out effective enforcement of the specialty code or codes that are its responsibility, pursuant to section 10 of this Act, to enforce.

SECTION 4. (1) Where a state agency other than the Department of Commerce has, prior to the effective date of this Act, adopted regulations, rules or standards that relate to building construction and installation of equipment therein, the agency shall review such regulations, rules or standards for the purpose of revising or eliminating regulations, rules or standards that contradict or are inconsistent with the state building code or that burden the public with unnecessary duplication of building codes or inspections. Each such state agency shall submit the results of its review to the director prior to January 1, 1975.

(2) The director shall review the reports submitted to him pursuant to subsection (1) of this section, and shall also review the rules, regulations and standards of the Department of Commerce and the laws of this state relating to building construction and installation of equipment therein to determine if the public is being asked to comply with contradictory or inconsistent requirements or is being burdened with unnecessary duplication of building codes or inspections. The director shall present the results of his review in a report to be submitted to the Governor on or before March 1, 1975, or as soon thereafter as he can reasonably complete it. The report shall summarize the statutory or regulatory contradictions, inconsistencies and redundancies as he may find and shall include his recommendations for the elimination of such contradictory, inconsistent or redundant laws and administrative acts.

SECTION 5. Except as otherwise provided by ORS chapters 446, 447, 460, 476, 479 and 480:

(1) The director shall coordinate and generally supervise the adoption, administration and enforcement of the state building code.

(2) The director with the approval of the appropriate advisory boards shall adopt and publish the specialty codes, including codes of regulations as authorized by subsection (2) of section 2 of this Act providing standards for the construction, reconstruction, alteration and repair of buildings and other structures and the installation of mechanical devices and equipment therein, governing matters of materials, design and construction, fire protection in one-family and two-family dwellings, health, sanitation, safety and maximum energy conservation.

(3) The director with the approval of the appropriate advisory boards may amend such codes from time to time. The codes of regulations and any amendment thereof shall conform in so far as practicable to model building codes generally accepted and in use throughout the United States. If there is no nationally recognized model code, consideration shall be given to the existing specialty codes presently in use in this state. Such model codes with modifications considered necessary and specialty codes may be adopted by reference. The codes so promulgated and any amendments thereof shall be based on the application of scientific principles, approved tests and professional judgment and, to the extent that it is practical to do so, the codes shall be promulgated in terms of desired results instead of the means of achieving such results, avoiding wherever possible the incorporation of specifications of particular methods or materials. To that end the codes shall encourage the use of new methods, new materials and maximum energy conservation.

SECTION 6. (1) The state building code shall be applicable and uniform throughout this state and in all municipalities therein, and no municipality shall enact or enforce any ordinance, rule or regulation in conflict therewith.

(2) Subsection (1) of this section is operative:

(a) With regard to the state structural code, July 1, 1974.

(b) With regard to the state mechanical, heating and ventilating code, on the effective date of such code as determined under ORS 183.355.

(c) With regard to the prefabricated structures code, as provided by sections 26 and 27 of this Act.

(d) With regard to each specialty code not named by paragraphs (a) to (c) of this subsection, on the effective date, as determined under ORS 183.355, of the first amendments to such code adopted pursuant to sections 1 to 29 of this Act.

SECTION 7. (1) The director shall appoint a State Structural Code Advisory Board to serve as provided by sections 1 to 29 of this Act. The director may appoint additional advisory boards as needed to carry out the intent of sections 1 to 29 of this Act.

(2) The State Structural Code Advisory Board shall consist of the number of members fixed pursuant to ORS 670.340. The assistant to the administrator shall serve as secretary of the board but shall not be a member thereof. Each member shall be appointed to serve a four-year term, commencing July 1 of the year of appointment, and until his successor is appointed and qualified. The membership shall be broadly representative of the industries and professions involved in the development and construction of buildings including representation from building code enforcement agencies, architectural and engineering associations, building construction trades, the contracting and manufacturing industries, governing bodies of local government, fire protection agencies and the general public.

(3) The State Structural Code Advisory Board shall elect its own chairman, adopt rules for its procedure and meet on call of the chairman or majority of the members. A majority of the members shall constitute a quorum to do business. The director shall provide administrative facilities and services for the board.

(4) Members of the State Structural Code Advisory Board shall be entitled to compensation and expenses as provided by ORS 292.495.

SECTION 8. Notwithstanding subsection (2) of section 7 of this Act, of the members initially appointed to serve on the State Structural Code Advisory Board approximately one-half shall be appointed for terms of two years and the others to serve for terms of four years.

SECTION 9. (1) Except as otherwise provided by this section, the director shall be subject to ORS 183.310 to 183.500 in the adoption, amendment or repeal of regulations authorized by, and in the issuance of orders in contested cases arising under, sections 1 to 29 of this Act.

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

(3) The director shall not be required to publish or distribute those parts of a code of regulations adopted by reference. However, the director shall publish with a specialty code and annually thereafter a list of places where copies of those parts of the code adopted by reference may be obtained together with the approximate cost thereof. The director shall file one copy of the complete code with the Secretary of State. However, all standards referred to in any specialty code or any of the modifications thereto need not be so filed. All standards referred to in the code shall be kept on file and available for inspection in the office of the director.

(4) Any interested person may propose amendments to the state building code, which proposed amendments may be either applicable to all municipalities or, where it is alleged and established that conditions exist

within a municipality or some municipalities that are not generally found within other municipalities, amendments may be restricted in application to such municipalities. Amendments proposed to the state building code under this subsection shall be at least as restrictive as the regulations contained in the code and shall be in conformity with the policy and purpose prescribed by section 2 of this Act. The justification and the particular circumstances requiring the proposed amendments shall be fully stated in the proposal. The director shall submit all proposed amendments to the appropriate advisory board. The board shall review and report its recommendations to the director on the amendments within 180 days after the date of submission by him.

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

(6) With the approval of the director, the administrator shall from time to time make or cause to be made investigations, or may accept authenticated reports from authoritative sources, concerning new materials or modes of construction intended for use in the construction of buildings or structures, or intended for use in other activity regulated by the state building code, and shall, where necessary, propose amendments to the code setting forth the conditions under which the materials or modes may be used, in accordance with the standards and procedures of sections 1 to 29 of this Act.

SECTION 10. (1) The director, with the approval of the Governor, shall appoint a state building code administrator, who shall have general supervision over the administration of the state building code regulations that are the general responsibility of the director, including the plumbing, elevator, electrical, mobile home, boiler, amusement ride, structural; mechanical, heating and ventilating; and prefabricated structures codes. The administrator shall serve at the pleasure of the director and shall be in the unclassified service of the state. He shall perform such other duties as the director may assign.

(2) The administrator, with the approval of the director, shall appoint an assistant who shall be responsible for the administration of the structural code. The assistant shall be competent in the field of administration and shall have such experience and professional qualifications in building design, construction and supervision as the director considers necessary. The assistant may, with the approval of the director, employ inspectors and other personnel as necessary to carry out his function under sections 1 to 29 of this Act. He shall perform such other duties in administering the code as the director may assign.

SECTION 11. By April 1, 1974, the department shall distribute, upon request and without charge, one copy of the state building code to each municipality within the state. The distribution shall not include any parts of the code adopted by reference. Additional copies shall be made available to municipalities and interested persons for such fee as the director shall prescribe.

SECTION 12. (1) When a municipality administers and enforces all or part of the plumbing, electrical, structural or mechanical, heating and ventilating codes, the governing body of the municipality shall, unless other means are already provided, appoint a person to administer and enforce such specialty codes or parts thereof, who shall be known as the

building official. A building official shall, in the municipality for which he is appointed, attend to all aspects of code enforcement, including the issuance of all building permits. Two or more municipalities may combine in the appointment of a single building official for the purpose of administering the provisions of the code within their communities.

(2) By May 1, 1974, the governing body of each municipality shall notify the director of the specialty codes or parts thereof that it will administer and enforce beginning July 1, 1974. If parts of specialty codes are to be administered and enforced by a municipality the parts shall correspond to a classification designated by the director as reasonable divisions of work by type of structure or installation, or by complexity of work.

(3) If a city does not notify the director, or notifies him that it will not administer certain specialty codes or parts thereof, the county or counties in which the city is located shall administer and enforce those codes or parts thereof within the city in the same manner as it administers and enforces them outside the city, except as provided by subsection (4) of this section.

(4) If a county does not notify the director, or notifies him that it will not administer and enforce certain specialty codes or parts thereof, the administrator shall contract with a municipality or use such state employes or state agencies as are necessary to administer and enforce those codes or parts thereof, and permit or other fees arising therefrom shall be paid into the State Treasury and credited to the account responsible for paying such expenses.

(5) The governing body of a municipality may change its building code administration and enforcement responsibility beginning July 1 of any year by notifying the director by May 1 of such year of the change to be made. Upon such change, responsibility shall be fixed as provided by subsections (3) and (4) of this section.

SECTION 13. As used in sections 13 to 19 of this Act, unless the context otherwise requires:

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

(2) "Inspector" means a person acting under the authority and direction of a building official and charged with the responsibility of routine enforcement of any specialty code.

SECTION 14. (1) In accordance with applicable provisions of ORS chapter 183, to promote effective and uniform enforcement of the state building code by improving the competence of building officials and inspectors, the director, with the advice of the advisory boards, shall:

(a) Establish for building officials and inspectors reasonable minimum training and experience standards, including but not limited to courses or subjects for instruction, facilities for instruction, qualification of instructors, methods of instruction and classification of responsibility.

(b) Establish a procedure to be used by municipalities to determine whether a person meets minimum standards or has minimum training to be appointed or employed as a building official or inspector.

(c) Subject to such terms, conditions and classifications as the director may impose, certify building officials as being qualified, and revoke such certifications in the manner provided in section 19 of this Act.

(d) Subject to such terms, conditions and classifications as the director may impose, certify inspectors as being qualified to enforce one or more particular specialty codes, and revoke such certifications in the manner provided in section 19 of this Act.

(2) The director shall maintain and, upon request of municipalities,

furnish information on applicants for appointment or employment as building officials or inspectors.

(3) Pursuant to ORS chapter 183, the director shall adopt rules necessary to carry out the certification programs provided by this section.

SECTION 15. (1) Upon application, the director or his authorized representative shall examine and evaluate any program or facility established by a municipality or educational institution for the training of building officials and inspectors.

(2) If the director finds that a training program is qualified under the minimum requirements established pursuant to section 14 of this Act, the director shall, in writing, certify the training program as being qualified for such a period of time and upon such conditions as the director may prescribe. An individual complies with any minimum requirement for building officials or inspectors established pursuant to section 14 of this Act when he satisfactorily completes a training program certified under this section.

SECTION 16. After July 1, 1977, no person shall be appointed or employed as a building official or inspector by any municipality unless he has been certified as being qualified under the provisions of sections 13 to 19 of this Act, and the certification has not lapsed or been revoked.

SECTION 17. The certification of any building official or inspector who does not serve in such capacity for a period of time in excess of three consecutive months, unless he is on a leave of absence from a municipality and intends to return to his position upon the conclusion of such leave, shall be considered lapsed. Upon reemployment as a building official or inspector, a person whose certification has lapsed may apply for certification in the manner provided in section 18 of this Act.

SECTION 18. (1) Any person desiring to be certified as a building official or inspector pursuant to sections 13 to 19 of this Act shall make application to the director upon such forms as the director may prescribe for such purpose.

(2) Each person applying for certification pursuant to this section shall pay a fee of \$20. If for any reason the application is withdrawn, or the certification is not granted, one-half of the application fee shall be refunded to the applicant.

(3) Upon determining that the applicant is qualified under the provisions of sections 13 to 19 of this Act, the director shall issue or cause to be issued to the applicant a certificate setting forth the class and any restrictions upon his certification, including, if he is an inspector, the particular specialty codes which he is certified to enforce.

SECTION 19. (1) The director may, upon notice and hearing, revoke the certification of any building official or inspector when it appears to him by competent evidence that the building official or inspector has consistently failed to act in the public interest in the performance of his duties. In any revocation proceeding under this section, the municipality that employs the building official or inspector shall be entitled to appear as a party in interest, either for or against the revocation.

(2) Nothing in this section shall be construed to limit or otherwise affect the authority of a municipality to dismiss or suspend a building official or inspector at its discretion.

SECTION 20. The administrator may, upon an application setting forth a set of plans and specifications that will be utilized in one or more municipalities to acquire building permits, review and approve the application for the construction or erection of any building or structure if such set of plans meets the requirements of the state building code. All costs incurred by the administrator by virtue of the examination of such a set of plans and specifications shall be paid by the applicant.

The plans and specifications or any plans and specifications required to be submitted to a state agency shall be submitted to the administrator who shall examine the instruments and if necessary distribute them to the appropriate state agencies for scrutiny regarding adequacy as to fire safety and all other appropriate features. The state agencies shall examine and promptly return the plans and specifications together with their certified statement as to the adequacy of the instruments regarding that agency's area of concern. Any building official shall issue a building permit upon application and presentation to him of such a set of plans and specifications bearing the approval of the administrator if the requirements of all other local ordinances are satisfied.

SECTION 21. (1) Any person who desires to use or furnish any material, design or method of construction or installation in the state, or any building official, may request the director to issue a ruling with respect to the acceptability of any material, design or method of construction about which there is a question under any provision of the state building code. Requests shall be in writing and, if made by anyone other than a building official, shall be made and the ruling issued prior to the use or attempted use of such questioned material, design or method.

(2) In making rulings, the director shall obtain the approval of the appropriate advisory board as to technical and scientific facts and shall consider the standards and interpretations published by the body that promulgated any nationally recognized model code adopted as a specialty code of this state.

(3) A copy of the ruling issued by the director shall be certified to the person making the request. Additional copies shall be transmitted to all building officials in the state. The director shall keep a permanent record of all such rulings, and shall furnish copies thereof to any interested person upon payment of such fees as the director may prescribe.

(4) A building official or inspector shall approve the use of any material, design or method of construction approved by the director pursuant to this section if the requirements of all other local ordinances are satisfied.

SECTION 22. Any person aggrieved by the final decision of a municipal appeals board or a subordinate officer of the department as to the application of any provision of a specialty code may, within 30 days after the date of the decision, appeal to the appropriate advisory board. The appellant shall submit a fee of \$20, payable to the director, with his request for appeal. The final decision of the involved municipality or state officer shall be subject to review and final determination by the appropriate advisory board as to technical and scientific determinations related to the application of the specialty code involved.

SECTION 23. Building permits or certificates of occupancy validly issued before July 1, 1974, regarding buildings or structures being constructed or altered pursuant thereto, shall be valid thereafter and the construction may be completed pursuant to the building permit, unless the building official determines that life or property is in jeopardy.

SECTION 24. (1) A person shall not:

(a) Violate or procure, aid or abet in the violation of any final order concerning the application of a provision of the state building code in a particular case made by the director, an advisory board, a state administrative officer or any local appeals board, building official or inspector.

(b) Engage in or procure, aid or abet any other person to engage in any conduct or activity for which a permit, certificate, label or other formal authorization is required by any specialty code or other regulation promulgated pursuant to sections 1 to 29 of this Act without first having obtained such permit, certificate, label or other formal authorization.

(2) Violation of subsection (1) of this section is a Class B misdemeanor. In the case of a continuing violation, every day's continuance of the violation is a separate offense.

SECTION 25. (1) For the purpose of defraying the costs of training and other educational programs administered by the department under sections 1 to 29 of this Act there is hereby imposed a surcharge in the amount of one percent of the total building permit fees collected by a municipality in connection with the construction of, or addition or alteration to, buildings and equipment or appurtenances on and after July 1, 1973.

(2) Permit surcharges shall be collected by each municipality and remitted to the administrator. Each municipality having a population greater than 40,000 shall, on a monthly basis, prepare and submit to the administrator a report of permits and certificates issued in each class or category and fees and surcharges thereon collected during the month, together with other statistical information as required by the director concerning construction activity regulated by the parts of the state building code administered by the municipality. All other municipalities shall submit such a report on a quarterly basis. The report, which shall be in a form prescribed by the director, shall be submitted, together with a remittance covering the surcharges collected, by no later than the 15th day following the month or quarter in which the surcharges are collected.

(3) All surcharges and other fees prescribed by sections 1 to 29 of this Act and payable to the department, except fees received under subsection (4) of section 12 of this Act, shall be deposited by the director in the State Treasury for credit to the Building Code Account created by section 38 of this Act.

SECTION 26. On the effective date on which regulations promulgated by the director regarding prefabricated structures are given the force and effect of law under ORS 183.355, this section and section 27 of this Act shall expire and have no force and effect. Until such time as the director adopts such regulations, the rules set forth in section 27 of this Act shall be a part of the state building code and govern the regulation of prefabricated structures.

SECTION 27. (1) Rule 1. General.

(a) Purpose. The purpose of these rules is to regulate materials and establish methods of safe construction where any structure or portion thereof is wholly or partially prefabricated.

(b) Scope. Unless otherwise specifically stated, all prefabricated construction and all materials used therein shall conform to all requirements of this code, except as otherwise noted.

(c) Definitions.

(A) "Code" means the requirements, standards, rules and regulations set forth in this section.

(B) "Prefabricated structure" has the meaning given that term by section 1 of this Act.

(C) "Installation" means the assembly of a prefabricated structure on site, and the process of affixing the structure to land, a foundation, footings or an existing building.

(2) Rule 2. Tests and materials. Every approval of a material not specifically mentioned in this code may incorporate as a proviso the kind and number of tests to be made during prefabrication.

(3) Rule 3. Tests of assemblies. The state building code administrator may require special tests to be made on prefabricated structures to determine their durability and weather resistance.

(4) Rule 4. Connections. Every device designed to connect prefabricated assemblies shall be capable of developing the strength of the mem-

bers connected, except in the case of members forming part of structural frame designed as specified in other parts of the code. The connection device shall be designed as required by the other parts of the code.

(5) Rule 5. Pipes and conduits. In structural design, due allowances shall be made for any material to be removed for the installation of pipes, conduits or other equipment or for on-site inspection.

(6) Rule 6. Certificate and inspection of materials and manufacture.

(a) Before any material is delivered to the site, the manufacturer shall submit complete details, drawings and specifications of the assembly for the approval of the state building code administrator. No prefabricated structure shall be sold, offered for sale or installed in the state and no permit shall be issued with respect to a building consisting in whole or part of a prefabricated structure unless the materials therein and manufacture thereof have been certified by the administrator to be in compliance with the code. The administrator shall make such inspections as necessary to insure compliance and may send inspectors into other states to inspect the manufacture of prefabricated structures to be sold, offered for sale or installed in the State of Oregon. All costs incurred by the administrator by virtue of the inspection of materials and manufacture shall be paid by the involved manufacturer. Following inspection and payment by the manufacturer of the costs arising therefrom the administrator shall issue a certification with respect to each prefabricated structure considered to be in compliance with the code and a copy of the certificate shall be affixed to the structure or part thereof. The certification by the administrator that a prefabricated structure complies with the code shall be conclusive on all agencies and instrumentalities of the state, its political subdivisions and municipalities. The administrator shall require a certificate from the manufacturer which shall:

(A) Identify the manufacturer of the prefabricated structure or component of the prefabricated structure.

(B) Identify, by serial number or otherwise, the particular prefabricated structure or component of the prefabricated structure being certified as in compliance with the code.

(C) Certify that the materials used in the manufacture of prefabricated structures or component of the prefabricated structures are in compliance with the code.

(b) After certification no changes in or modifications to the prefabricated structure or part thereof may be made by the manufacturer without the approval of the administrator.

(7) Rule 7. On-site assembly and installation. The installation of prefabricated structures shall comply with the provisions of the code and shall be subject to the inspection of the building official of the jurisdiction in which the site is situated.

(8) Rule 8. Continuous inspection. If continuous inspection is required for certain materials where construction takes place on site, it shall be required where the same materials are used in prefabricated construction.

SECTION 28. For the purposes of the codes of regulations adopted under sections 1 to 29 of this Act, unless the context clearly indicates otherwise, the following substitutions shall be made in any code adopted by reference as part of the state building code:

(1) "Building official" for "administrative authority."

(2) "Governing body" for "mayor" and "city council."

(3) "Municipality" for "city."

SECTION 29. If the director determines that the standards for prefabricated structures prescribed by statute, rule or regulation of another

state are at least equal to the regulations prescribed under sections 1 to 29 of this Act, and that such standards are actually enforced by such other state, he may provide by regulation that prefabricated structures approved by such other state shall be deemed to have been approved by the director.

SECTION 30. Notwithstanding the provisions of any other law, the sum of \$192,898 is established for the biennium beginning July 1, 1973, as the maximum limit for the payment of expenses out of the Building Code Account in the General Fund, created by section 38 of this Act, for the purpose of carrying out the provisions of sections 1 to 29 of this Act.

Section 31. ORS 447.080, as amended by section 228, chapter —, Oregon Laws 1973 (Enrolled Senate Bill 77), is amended to read:

447.080. Nothing in ORS 447.010 to 447.140 prevents any city or county from enacting and enforcing ordinances or building codes for the regulation of the business of master plumbing or which prescribe the manner in which [*plumbing and*] drainage work shall be installed in such city or county, except that such ordinances or codes shall not prescribe a lower standard of installation of [*plumbing and*] drainage work than that prescribed in ORS 447.010 to 447.140.

Section 32. ORS 476.080 is amended to read:

476.080. (1) The State Fire Marshal and his deputies, at all reasonable hours, may enter into all buildings and upon all premises, except private residences, for the purpose of inspection to ascertain if fire hazards exist therein or thereon. **Owners of private residences may request a fire inspection of their property.**

(2) No person shall interfere with or prevent any such inspection by such officers.

(3) When any person interferes with or prevents the State Fire Marshal or his deputies from making the inspection mentioned herein, the officer shall apply to the district attorney of the county wherein the inspection was made or attempted to be made, for a warrant for the arrest of the offending person, and it shall be the duty of such district attorney forthwith to prosecute such offending person.

Section 33. ORS 479.155 is amended to read:

479.155. (1) **As used in this section:**

(a) **"Director" means the Director of Commerce.**

(b) **"Administrator" means the state building code administrator appointed pursuant to subsection (1) of section 10 of this 1973 Act.**

[(1)] (2) Prior to construction or alteration of a hospital, public building as defined in paragraph (i) of subsection (1) of ORS 479.010, public garage, dry cleaning establishment, apartment house, hotel, bulk oil storage plant, school, institution as defined in ORS 479.210, or any other building or structure regulated by the State Fire Marshal for use and occupancy or requiring approval by the State Fire Marshal pursuant to statute, the owner shall submit to the [*State Fire Marshal*] **administrator** two copies of a plan or sketch showing the location of the building or structure with relation to the premises, distances, lengths and details of construction as the [*State Fire Marshal*] **director** shall require. Such filing shall not be required with respect to any such building or structure in any area exempted by order of the State Fire Marshal pursuant to ORS 476.030. **Approval of such plans by the administrator shall be considered approval by the State Fire Marshal, and shall satisfy any statutory provision requiring approval by the State Fire Marshal.**

[(2)] (3) A declaration of the value of the proposed construction or alteration and the appropriate fee required under section 3 of this 1973 Act shall accompany the plan or sketch. However, the determination of value or valuation [*under any of the provisions of this code*] shall be made

by the [State Fire Marshal or deputy state fire marshal] director or his authorized assistant.

[(3) A plan examination fee shall be paid to the State Fire Marshal as follows:]

[TOTAL VALUATION	FEE]
[Less than \$20	No Fee]
[\$20, to and including \$100	\$.50]
[More than \$100, to and including \$400	.75]
[More than \$400, to and including \$700	1.25]
[More than \$700, to and including \$1,000	1.50]
[Each additional \$1,000 or fraction, to and including \$25,000	.75]
[Each additional \$1,000 or fraction, to and including \$50,000	.60]
[Each additional \$1,000 or fraction, to and including \$100,000	.40]
[Each additional \$1,000 or fraction, more than \$100,000	.25]

(4) The [State Fire Marshal] administrator or his staff shall be furnished with not less than two accurate copies of the plan or sketch and details for the purpose of ascertaining compliance with applicable fire prevention and protection statutes and regulations. The plan examiner shall indicate on the plan or sketch and in writing his approval or disapproval and conditions for approval of the construction or alteration. One copy of the plan or sketch shall be retained by the [State Fire Marshal] administrator and one copy shall be returned to the applicant. No building or structure referred to in subsection (2) of this section shall be erected or constructed without approval by the [State Fire Marshal or his deputy] administrator if the building or structure requires approval by the State Fire Marshal. After such approval or issuance of the required permit, construction or alteration shall comply with the plan or sketch in all respects unless modified by subsequent permit or order of the [State Fire Marshal] director or his authorized assistant.

(5) The approval of a plan or sketch shall not be construed to be a permit for, or an approval of, any violation of any statute or regulation or the applicable ordinances and regulations of any governmental subdivision of the state. The approval of the plan or sketch shall not be construed as an approval for noncompliance with fire marshal regulations. Any condition upon approval or disapproval shall be deemed an order subject to appeal as other orders are appealable.

SECTION 34. If House Bill 2285 (1973 regular session) becomes law, section 8, chapter —, Oregon Laws 1973 (Enrolled House Bill 2285), amending ORS 479.155, is repealed.

Section 35. ORS 479.530 is amended to read:

479.530. As used in ORS 479.510 to 479.850, unless the context requires otherwise:

(1) "Approved testing laboratory" means a testing laboratory making scientific safety tests of electrical products in its plant by testing individual samples, specimens and prototypes thereof, and maintaining an adequate system of follow-up inspections in this state of the class of electrical products tested in the laboratory and offered for sale or distributed in this state.

(2) "Board" means the Electrical Advisory Board appointed under ORS 479.800.

(3) "Certificate of registration" means a certificate issued by the

Department of Commerce to a dealer in electrical products showing that the dealer has registered.

(4) "Certified electrical product" means:

(a) An electrical product listed in the published list of Underwriters Laboratories dated May 19, 1958, and the supplements thereto through December 1958 as an approved electrical product, and which has not been decertified.

(b) An electrical product certified by the Department of Commerce under subsection (2) of ORS 479.760 which has not been decertified.

(c) A gas using device, with electrical components, listed in the published list of American Gas Association Laboratories, dated January 1, 1959, as complying with American Standard Requirements and which has not been decertified.

(5) "Competent inspection service" means the electrical inspection service of [*an incorporated city with safety standards not lower than those required by ORS 479.510 to 479.850 as they apply to the type of electrical installation covered by the city ordinance*] a city or county.

(6) "Electrical installations" include construction, installation, maintenance and repair of electrical wiring and electrical equipment to be operated thereby, except communication and signal systems of railroad companies.

(7) "Electrical product" includes any electrical equipment, appliance, material, device or apparatus to convey or be operated by electrical current.

(8) "Household appliance label" includes labels for installation of farming irrigation pumps, household appliances and additions to electric wiring in residences.

(9) "Label" means a card signed by the Director of Commerce or a competent inspection service and issued to an electrical contractor or property owner indicating that the electrical installation proposed has been tentatively approved by the [*Director of Commerce*] signer as meeting the minimum safety standards.

(10) "License" means an annual permit issued by the Department of Commerce under ORS 479.630 authorizing the person whose name appears as licensee thereon to act as an electrical contractor, supervising electrician, journeyman or apprentice electrician as indicated thereon.

(11) "Minimum safety standards" means safety standards prescribed by the Department of Commerce under ORS 479.730, except as provided in ORS 479.720.

(12) "Persons" includes individuals, corporations, associations, firms, partnerships and joint stock companies.

(13) "Serving agency" means a person principally engaged in the business of generating or selling electricity in connection with the construction or maintenance of electrical lines, wires or equipment.

(14) "Uncertified product" includes all electrical products which are not certified.

Section 36. ORS 479.540 is amended to read:

479.540. (1) No person is required to obtain a license to make an electrical installation on property which is owned by himself or a member of his immediate family, and not presently intended for sale.

(2) No electrical contractor license is required in connection with an electrical installation:

(a) Of meters and similar devices by a serving agency for measuring electricity.

(b) Of ignition or lighting systems for motor vehicles.

(c) To be made by a person on his property in connection with his business.

(d) To be made by a public utility or municipality for generation,

transmission or distribution of electricity on property which it owns or manages.

(3) No person whose sole business is generating or selling electricity in connection with the construction or maintenance of electrical lines, wires or equipment, is required to obtain a certificate of registration or license to transform, transmit or distribute electricity from its source to the service head of the premises to be supplied thereby.

[(4) *No label is required for electrical installation made within the limits of an incorporated city maintaining a competent inspection service providing the electrical installation is of a type covered by the city ordinance.*]

[(5)] (4) No certificate of registration is required to sell, dispose of by gift or otherwise any electrical product within the limits of [*incorporated*] cities and counties maintaining a competent inspection service and making periodical inspections of electrical stock of dealers in electrical products.

[(6)] (5) No certificate of registration or license is required for temporary demonstrations.

[(7)] (6) The provisions of ORS 479.510 to 479.850 shall not apply to electrical products owned by, supplied to, or to be supplied to public utilities as defined in ORS 757.005, nor to electrical installations made by or for such a public utility where the electrical installations are an integral part of the equipment of such utility.

[(8)] (7) No label is required for the repair, alteration or replacement of existing electrical equipment of an industrial plant.

[(9)] (8) In cases of emergency in industrial plants no label is required in advance for electrical installation made by a person licensed under subsections (2), (4) and (6) of ORS 479.630 if an application accompanied by appropriate fee for a label is submitted to the Department of Commerce within five days after the commencement of such electrical work.

[(10)] (9) No person is required to obtain a license or label to set in place a certified electrical product or make a connection therefrom to services and facilities other than electrical.

Section 37. ORS 479.820 is amended to read:

479.820. (1) The Department of Commerce shall:

(a) Check the authenticity, appropriateness and expiration dates of licenses and certificates of registration issued under ORS 479.510 to 479.850.

(b) Inspect electrical installations and products for which a label, license or certificate of registration is required by ORS 479.510 to 479.850.

(c) Inspect labels attached to electrical installations or products for which a label is required by ORS 479.510 to 479.850.

(2) If the Department of Commerce finds that the electrical installation or product fails to comply with minimum safety standards, it may disconnect or order the disconnection of service thereto.

(3) If the Department of Commerce finds that the condition of an electrical installation or product constitutes an immediate hazard to life or property, it may cut or disconnect any wire necessary to remove such hazard.

(4) Upon written request of appropriate municipal personnel, the Department of Commerce may make inspections of electrical installations and products within [*incorporated cities having by ordinance adopted minimum safety standards for such installations or products which meet the requirements of ORS 479.510 to 479.850*] cities and counties. Such inspections shall be made at cost, in accordance with local municipal ordinances [*and building codes*], payable on a monthly basis.

(5) For the purpose of discharging any duty imposed by ORS 479.510 to 479.850 or exercising authority conferred hereby the Department of

Commerce may, during reasonable hours, enter any building, enclosure, or upon any premises where electrical work is in progress, where an electrical installation has been made or where electrical equipment or products may be located. No person shall obstruct or interfere with the Department of Commerce in performance of any of its duties or the exercise of any authority conferred under this section.

SECTION 38. There hereby is established in the General Fund of the State Treasury the Building Code Account. Except as otherwise provided by law, all moneys appropriated or credited to the Building Code Account hereby are appropriated continuously for and shall be used by the Director of Commerce for the purpose of carrying out the duties and responsibilities imposed upon the Department of Commerce, its officers or divisions, under sections 1 to 29 of this Act, ORS 446.155 to 446.200, 447.010 to 447.140, 460.005 to 460.175, 460.310 to 460.380, 479.510 to 479.850, 480.510 to 480.615 and ORS chapter 693.

Section 39. ORS 460.175 is amended to read:

460.175. All receipts from fees, charges, costs, expenses and fines provided for in ORS 460.005 to 460.175 shall be collected by the [*Labor Commissioner*] **Department of Commerce** and paid to the State Treasurer on the first day of each month and credited by the State Treasurer to the [*Electrical Regulation*] **Building Code Account created by section 38 of this 1973 Act.** [*in the General Fund. The moneys in the Electrical Regulation Account, as may be necessary for paying the expenses for administering and enforcing ORS 460.005 to 460.175, are hereby continuously appropriated for that purpose.*]

Section 40. ORS 460.370 is amended to read:

460.370. All fees collected by the department under ORS 460.310 to 460.380 and subsection (2) of ORS 460.990 shall be paid to the State Treasurer and [*become part of*] **credited to the Building Code Account created by section 38 of this 1973 Act** [*the General Fund*].

Section 41. ORS 479.850 is amended to read:

479.850. All receipts from fees, charges, costs, expenses and fines provided for in [*section 145, chapter —, Oregon Laws 1971 (Enrolled House Bill 1048) and*] ORS 446.175, 460.165, 479.510 to 479.850 and 479.990 when collected shall be paid into the General Fund on the first day of each month and credited to the [*Regulation*] **Building Code Account created** [*hereby*] **by section 38 of this 1973 Act.** [*The money in the Regulation Account that is necessary for paying the expenses of administering and enforcing section 145, chapter —, Oregon Laws 1971 (Enrolled House Bill 1048) and ORS 446.175, 460.165, 479.510 to 479.850 and 479.990 is hereby continuously appropriated for that purpose.*]

Section 42. ORS 480.610 is amended to read:

480.610. All receipts from fees, charges, costs and expenses under ORS 480.510 to 480.615 shall be collected by the Department of Commerce and paid into the State Treasury on the first day of each month for the preceding month, and credited by the State Treasurer to the [*Bureau of Labor*] **Building Code Account created by section 38 of this 1973 Act** for purposes authorized by law.

SECTION 43. Section 44 of this Act is added to and made a part of ORS chapter 693.

SECTION 44. All receipts from fees permitted under ORS 693.050 and 693.060 shall be collected by the department and, on the first day of each month for the preceding month, paid into the State Treasury and credited by the State Treasurer to the Building Code Account created by section 38 of this 1973 Act.

SECTION 45. (1) Any money remaining in the Electrical Regulation

Account described by ORS 460.175 or the Regulation Account described by ORS 479.850 on the effective date of this Act shall be and hereby is transferred and credited to the Building Code Account created by section 38 of this Act.

(2) Any money remaining in the State Plumbing Board Account, authorized by ORS 670.335, on the effective date of this Act shall be and hereby is transferred and credited to the Building Code Account created by section 38 of this Act.

SECTION 46. (1) ORS 447.110 and 447.120, as amended by Senate Bill 77 (1973 regular session), and ORS 447.130 are repealed.

(2) Notwithstanding subsection (1) of this section, the provisions of ORS 447.110 and 447.120, as amended by Senate Bill 77 (1973 regular session), and ORS 447.130 and regulations adopted pursuant thereto shall continue in effect as regulations until superseded, amended or repealed by a plumbing specialty code adopted by the Director of Commerce pursuant to sections 1 to 29 of this Act.

Section 47. If Senate Bill 827 (1973 regular session) becomes law, section 39 of this Act is repealed and ORS 460.175, as amended by section 17, chapter —, Oregon Laws 1973 (Enrolled Senate Bill 827), is amended to read:

460.175. All receipts from fees, charges, costs, expenses and fines provided for in ORS 460.005 to 460.175 shall be collected by the department and paid to the State Treasurer on the first day of each month and credited by the State Treasurer to the [Elevator Regulation] **Building Code Account** [hereby] created [in the General Fund] **by section 38 of this 1973 Act.** [The moneys in the Elevator Regulation Account, as may be necessary for paying the expenses for administering and enforcing ORS 460.005 to 460.175, are hereby continuously appropriated for that purpose.]

Section 48. If Senate Bill 827 (1973 regular session) becomes law, section 41 of this Act is repealed and ORS 479.850, as amended by section 18, chapter —, Oregon Laws 1973 (Enrolled Senate Bill 827), is amended to read:

479.850. All receipts from fees, charges, costs, expenses and fines provided for in ORS 446.175, 479.510 to 479.850 and 479.990 when collected shall be paid into the General Fund on the first day of each month and credited to the [Regulation] **Building Code Account** created [hereby] **by section 38 of this 1973 Act.** [The money in the Regulation Account that is necessary for paying the expenses of administering and enforcing ORS 446.175, 479.510 to 479.850 and 479.990 is hereby continuously appropriated for that purpose.]

SECTION 49. This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act takes effect on its passage.



Chapter

, Oregon Laws 1973

ENROLLED

Senate Bill ..73.....

Passed by Senate May 17, 1973

Repassed by Senate July 3, 1973

.....
Secretary of Senate

.....
President of Senate

Passed by House July 2, 1973

~~Repassed by House~~

.....
Speaker of House

Received by Executive Department:

..... M.,, 1973.

Approved:, 1973.

.....
Governor

Filed in Office of Secretary of State:

..... M.,, 1973.

.....
Secretary of State

Representative ASA LINDQVIST

will lead the floor discussion on this measure.

FROM THE DESK OF
CECIL L. EDWARDS
SECRETARY OF THE SENATE
378-8168



HOME ADDRESS:
2375 HIGH STREET SE
SALEM, OREGON 97302

E.x.E. note:

FEB 18 1973

Senate today approved the paper
that has now added an co-sponsor of
unrelated bill when printed. (S.B. 73)

ENROLLED
ENG.-RE-ENGROSSED

Senate Bill 73

Ordered by the House June 27
(Including Amendments by Senate March 16, May 14, and by House
Committee on State and Federal Affairs June 21)

Sponsored by Senator GROENER, Representatives ELLIOTT, MARTIN

CHAPTER

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.

Authorizes Director of Commerce, with [*advice of State Structural Code Advisory Board appointed from involved industries and professions,*] approval of appropriate advisory boards to adopt, publish and administer building code regulations covering structural standards and standards for mechanical, heating and ventilating devices and equipment, and for prefabricated structures, except as provided by prior existing law. Establishes procedure for adoption and amendment of codes. Requires director to appoint State Structural Code Advisory Board consisting of representatives of industries and professions involved in development and construction of buildings including representation from certain agencies, associations, trades, industries, local government governing bodies and general public; prescribes duties and functions. Grants director authority to coordinate administration of building codes. Provides for revision or elimination of duplicitous, contradictory or inconsistent rules or standards; requires director to submit report of such rules or standards to Governor and recommendations for elimination of such rules or standards. Provides that state [*structural*] building code [*supersede municipal structural codes and apply statewide effective July 1, 1974,*] be applicable and uniform throughout state; prohibits municipalities from enacting or enforcing any ordinance or rule in conflict therewith; provides that Act does not limit authority of municipalities to enact certain regulations. Designates operative dates for designated codes; provides that state structural code be operative July 1, 1974. Provides for building officials, inspectors and other administrative officers, for [*department*] review and appeal of [*local*] decisions under building code regulations, and for permit fees and collection procedures therefor. Establishes qualification; [*and*] provides for certification of building officials and inspectors; and provides for training programs. Establishes surcharge on permit fees to defray cost of training and other educational programs. [*Requires Health Division, rather than State Board of Health, to see that designated provisions regulating plumbing and sewage cesspool work are enforced.*] Provides for issuance of ruling with respect to material or construction upon request. Makes other changes. Prohibits certain conduct. Provides penalties. Transfers certain functions of State Fire Marshal to director.

Creates Building Code Account and continuously appropriates moneys in account for designated purposes. Limits designated biennial expenditures from Building Code Account to \$192,898. Provides for collection of certain fees by Department of Commerce. Provides for transfer of certain fees and moneys to Building Code Account. [*Operative after June 30, 1973.*] Resolves conflicts.

Declares emergency.

NOTE: Matter in bold face in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted; complete new sections begin with SECTION.

~~A BILL FOR AN ACT~~

1
 2 Relating to property, including but not limited to the regulation of build-
 3 ing construction and the installation of devices and equipment; creating
 4 new provisions; amending ORS 447.080, 460.175, 460.370, 476.080, 479.155,
 5 479.530, 479.540, 479.820, 479.850 and 480.610; repealing ORS 447.110,
 6 447.120 and 447.130; appropriating money; limiting expenditures; pro-
 7 viding penalties; and declaring an emergency.

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

9 **SECTION 1.** As used in sections 1 to 29 of this Act, unless the context
 10 requires otherwise:

- 11 (1) "Administrator" means the state building code administrator.
- 12 (2) "Advisory board" means the advisory board with responsibility
 13 for assisting in the adoption, amendment or administration of a specialty
 14 code.
- 15 (3) "Department" means the Department of Commerce.
- 16 (4) "Director" means the Director of Commerce.
- 17 (5) "Municipality" means a city, county or other unit of local gov-
 18 ernment otherwise authorized by law to enact a building code.
- 19 (6) "Prefabricated structure" means a building or structural unit
 20 which has been in whole or substantial part manufactured at an off-
 21 site location to be wholly or partially assembled on site; but does not in-
 22 clude a mobile home, trailer or recreational vehicle.
- 23 (7) "Specialty code" means a code of regulations adopted under sub-
 24 section (2) of section 2 of this Act, ORS 446.185, subsection (2) of 447.020,
 25 ORS 460.085, 460.360, subsection (1) of 479.730 or ORS 480.535; but does
 26 not include regulations adopted by the State Fire Marshal pursuant to
 27 ORS chapter 476 or ORS 479.010 to 479.200 and 479.210 to 479.220.
- 28 (8) "State building code" means the combined specialty codes.
- 29 (9) "Structural code" means the specialty code prescribing structural
 30 standards for building construction.

31 **SECTION 2.** (1) Sections 1 to 29 of this Act are enacted to enable
 32 the Director of Commerce to promulgate a state building code to govern

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1 the construction, reconstruction, alteration and repair of buildings and
2 other structures and the installation of mechanical devices and equipment
3 therein, which will establish basic and uniform performance standards
4 providing reasonable safeguards for health, safety, welfare, comfort and
5 security of the residents of this state who are occupants and users of
6 buildings, and will provide for the use of modern methods, devices, ma-
7 terials, techniques and maximum energy conservation.

8 (2) The regulations adopted pursuant to sections 1 to 29 of this Act
9 shall include structural standards; standards for the installation and use of
10 mechanical, heating and ventilating devices and equipment; and standards
11 for prefabricated structures; and shall, subject to section 3 of this Act,
12 prescribe reasonable fees for the issuance of building permits and similar
13 documents, inspections and plan review services, by the department.

14 (3) Sections 1 to 29 of this Act do not affect the statutory jurisdiction
15 and authority of the Workmen's Compensation Board, under ORS chapter
16 654, to promulgate occupational safety and health standards relating to
17 places of employment, and to administer and enforce all state laws, regu-
18 lations, rules, standards and lawful orders requiring places of employ-
19 ment to be safe and healthful.

20 (4) Sections 1 to 29 of this Act and any specialty code do not limit
21 the authority of a municipality to enact regulations providing for local
22 administration of the state building code; local appeal boards; fees and
23 other charges; abatement of nuisances; enforcement through penalties;
24 stop-work orders or other means; or minimum health, sanitation and
25 safety standards for governing the use of structures for housing, except
26 where the power of municipalities to enact any such regulations is ex-
27 pressly withheld by statute.

28 **SECTION 3.** (1) Fees shall be prescribed as required by section 2
29 of this Act for permits issued by the department for the construction,
30 reconstruction, alteration and repair of prefabricated structures and of
31 buildings and other structures and the installation of mechanical heating
32 and ventilating devices and equipment. The fees shall be based on the
33 total valuation of the proposed structure or installation, shall not exceed

1 the maximum fees set out in the following schedule and shall not be
 2 effective until approved by the Executive Department.

4 TOTAL VALUATION	MAXIMUM FEE
5 \$1 to \$500	\$5
6 \$501 to \$2,000	\$5 for the first \$500 plus \$1 for each additional 7 \$100 or fraction thereof, to and including \$2,000
8 \$2,001 to \$25,000	\$20 for the first \$2,000 plus \$4 for each additional 9 thousand or fraction thereof, to and including \$25,000
10 \$25,001 to \$50,000	\$112 for the first \$25,000 plus \$3 for each addi- 11 tional thousand or fraction thereof, to and includ- ing \$50,000
12 \$50,001 to \$100,000	\$187 for the first \$50,000 plus \$2 for each addi- 13 tional thousand or fraction thereof, to and in- cluding \$100,000
14 \$100,001 to \$500,000	\$287 for the first \$100,000 plus \$1.50 for each addi- 15 tional thousand or fraction thereof, to and includ- ing \$500,000
16 \$500,000 and up	\$887 for the first \$500,000 plus \$1 for each addi- 17 tional thousand or fraction thereof.

18 (2) The fee for examining plans and specifications submitted to the
 19 administrator under section 20 of this Act or ORS 479.155 shall be the
 20 same as the fee prescribed for a permit under subsection (1) of this
 21 section. However, if the valuation of the proposed structure or installation
 22 exceeds \$1,000, the fee shall be one-half the amount of the prescribed
 23 permit fee.

24 (3) A municipality shall not, for the kind of permits provided for by
 25 subsection (1) of this section, enact or enforce any ordinance, rule or regu-
 26 lation fixing any permit fee that is higher than the maximum fee provided
 27 by this section unless the municipality has the prior approval of the
 28 director to do so. The director shall approve any such fee or fees if he
 29 finds, after notice and hearing, that the proposed fee or fees are reasonable
 30 and necessary to provide funds for the municipality to pay for the expenses
 31 of carrying out effective enforcement of the specialty code or codes that
 32 are its responsibility, pursuant to section 10 of this Act, to enforce.

33 SECTION 4. (1) Where a state agency other than the Department
 34 of Commerce has, prior to the effective date of this Act, adopted regu-

1 lations, rules or standards that relate to building construction and instal-
2 lation of equipment therein, the agency shall review such regulations,
3 rules or standards for the purpose of revising or eliminating regulations,
4 rules or standards that contradict or are inconsistent with the state
5 building code or that burden the public with unnecessary duplication of
6 building codes or inspections. Each such state agency shall submit the
7 results of its review to the director prior to January 1, 1975.

8 (2) The director shall review the reports submitted to him pursuant
9 to subsection (1) of this section, and shall also review the rules, regula-
10 tions and standards of the Department of Commerce and the laws of this
11 state relating to building construction and installation of equipment
12 therein to determine if the public is being asked to comply with contra-
13 dictory or inconsistent requirements or is being burdened with unneces-
14 sary duplication of building codes or inspections. The director shall present
15 the results of his review in a report to be submitted to the Governor on
16 or before March 1, 1975, or as soon thereafter as he can reasonably com-
17 plete it. The report shall summarize the statutory or regulatory contra-
18 dictions, inconsistencies and redundancies as he may find and shall include
19 his recommendations for the elimination of such contradictory, incon-
20 sistent or redundant laws and administrative acts.

21 **SECTION 5.** Except as otherwise provided by ORS chapters 446, 447,
22 460, 476, 479 and 480:

light face
23 (1) The director shall coordinate and generally supervise the adoption,
24 administration and enforcement of the state building code.

25 (2) The director with the approval of the appropriate advisory boards
26 shall adopt and publish the specialty codes, including codes of regulations
27 as authorized by subsection (2) of section 2 of this Act providing stand-
28 ards for the construction, reconstruction, alteration and repair of buildings
29 and other structures and the installation of mechanical devices and equip-
30 ment therein, governing matters of materials, design and construction,
31 fire protection in one-family and two-family dwellings, health, sanitation,
32 safety and maximum energy conservation.

33 (3) The director with the approval of the appropriate advisory boards
34 may amend such codes from time to time. The codes of regulations and

1 any amendment thereof shall conform in so far as practicable to model
 2 building codes generally accepted and in use throughout the United States.
 3 If there is no nationally recognized model code, consideration shall be
 4 given to the existing specialty codes presently in use in this State. Such
 5 model codes with modifications considered necessary and specialty codes
 6 may be adopted by reference. The codes so promulgated and any amend-
 7 ments thereof shall be based on the application of scientific principles,
 8 approved tests and professional judgment and, to the extent that it is
 9 practical to do so, the codes shall be promulgated in terms of desired
 10 results instead of the means of achieving such results, avoiding wherever
 11 possible the incorporation of specifications of particular methods or ma-
 12 terials. To that end the codes shall encourage the use of new methods,
 13 new materials and maximum energy conservation.

14 **SECTION 6.** (1) The state building code shall be applicable and
 15 uniform throughout this state and in all municipalities therein, and no
 16 municipality shall enact or enforce any ordinance, rule or regulation
 17 in conflict therewith.

18 (2) Subsection (1) of this section is operative:

19 (a) With regard to the state structural code, July 1, 1974.

20 ~~(d)~~ ^(b) With regard to ^{the state mechanical, heating and ventilating code,} each specialty code not named by paragraphs (a)
 21 on the effective date of such code as determined under ORS 183.355.

22 (c) With regard to the prefabricated structures code, as provided by
 23 sections 26 and 27 of this Act.

24 (d) With regard to each specialty code not named by paragraphs (a)
 25 to (c) of this subsection, on the effective date, as determined under ORS
 26 183.355, of the first amendments to such code adopted pursuant to sections
 27 1 to 29 of this Act.

28 **SECTION 7.** (1) The director shall appoint a State Structural Code
 29 Advisory Board to serve as provided by sections 1 to 29 of this Act. The
 30 director may appoint additional advisory boards as needed to carry out
 31 the intent of sections 1 to 29 of this Act.

32 (2) The State Structural Code Advisory Board shall consist of the
 33 number of members fixed pursuant to ORS 670.340. The assistant to the
 34 administrator shall serve as secretary of the board but shall not be a

1 member thereof. Each member shall be appointed to serve a four-year term,
2 commencing July 1 of the year of appointment, and until his successor is
3 appointed and qualified. The membership shall be broadly representative
4 of the industries and professions involved in the development and con-
5 struction of buildings including representation from building code en-
6 forcement agencies, architectural and engineering associations, building
7 construction trades, the contracting and manufacturing industries, gov-
8 erning bodies of local government, fire protection agencies and the general
9 public.

10 (3) The State Structural Code Advisory Board shall elect its own
11 chairman, adopt rules for its procedure and meet on call of the chairman
12 or majority of the members. A majority of the members shall constitute
13 a quorum to do business. The director shall provide administrative facili-
14 ties and services for the board.

15 (4) Members of the State Structural Code Advisory Board shall be
16 entitled to compensation and expenses as provided by ORS 292.495.

17 **SECTION 8.** Notwithstanding subsection (2) of section 7 of this Act,
18 of the members initially appointed to serve on the State Structural Code
19 Advisory Board approximately one-half shall be appointed for terms of
20 two years and the others to serve for terms of four years.

21 **SECTION 9.** (1) Except as otherwise provided by this section, the di-
22 rector shall be subject to ORS 183.310 to 183.500 in the adoption, amend-
23 ment or repeal of regulations authorized by, and in the issuance of orders
24 in contested cases arising under, sections 1 to 29 of this Act.

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

30 (3) The director shall not be required to publish or distribute those
31 parts of a code of regulations adopted by reference. However, the di-
32 rector shall publish with a specialty code and annually thereafter a list
33 of places where copies of those parts of the code adopted by reference
34 may be obtained together with the approximate cost thereof. The director

1 shall file one copy of the complete code with the Secretary of State.
2 However, all standards referred to in any specialty code or any of the
3 modifications thereto need not be so filed. All standards referred to in
4 the code shall be kept on file and available for inspection in the office of
5 the director.

6 (4) Any interested person may propose amendments to the state
7 building code, which proposed amendments may be either applicable to all
8 municipalities or, where it is alleged and established that conditions exist
9 within a municipality or some municipalities that are not generally found
10 within other municipalities, amendments may be restricted in application
11 to such municipalities. Amendments proposed to the state building code
12 under this subsection shall be at least as restrictive as the regulations
13 contained in the code and shall be in conformity with the policy and
14 purpose prescribed by section 2 of this Act. The justification and the
15 particular circumstances requiring the proposed amendments shall be
16 fully stated in the proposal. The director shall submit all proposed amend-
17 ments to the appropriate advisory board. The board shall review and
18 report its recommendations to the director on the amendments within
19 180 days after the date of submission by him.

20 (5) The director, with the approval of the advisory board, may adopt
21 or modify and adopt any amendments proposed to him under subsection
22 (4) of this section. The director shall, within 30 days after the date of
23 receipt of the recommendations of the advisory board, notify the person
24 proposing the amendments of the adoption, modification and adoption or
25 denial of the proposed amendments. Upon adoption, a copy of each amend-
26 ment shall be distributed to the governing bodies of all municipalities
27 affected thereby.

28 (6) With the approval of the director, the administrator shall from
29 time to time make or cause to be made investigations, or may accept an-
30 thenticated reports from authoritative sources, concerning new materials
31 or modes of construction intended for use in the construction of buildings
32 or structures, or intended for use in other activity regulated by the state
33 building code, and shall, where necessary, propose amendments to the
34 code setting forth the conditions under which the materials or modes

1 may be used, in accordance with the standards and procedures of sections
2 1 to 29 of this Act.

3 **SECTION 10.** (1) The director, with the approval of the Governor,
4 shall appoint a state building code administrator, who shall have general
5 supervision over the administration of the state building code regulations
6 that are the general responsibility of the director, including the plumbing,
7 elevator, electrical, mobile home, boiler, amusement ride, structural; me-
8 chanical, heating and ventilating; and prefabricated structures codes. The
9 administrator shall serve at the pleasure of the director and shall be in
10 the unclassified service of the state. He shall perform such other duties as
11 the director may assign.

12 (2) The administrator, with the approval of the director, shall appoint
13 an assistant who shall be responsible for the administration of the struc-
14 tural code. The assistant shall be competent in the field of administration
15 and shall have such experience and professional qualifications in building
16 design, construction and supervision as the director considers necessary.
17 The assistant may, with the approval of the director, employ inspectors and
18 other personnel as necessary to carry out his function under sections 1 to
19 29 of this Act. He shall perform such other duties in administering the
20 code as the director may assign.

21 **SECTION 11.** By April 1, 1974, the department shall distribute, upon
22 request and without charge, one copy of the state building code to each
23 municipality within the state. The distribution shall not include any parts
24 of the code adopted by reference. Additional copies shall be made avail-
25 able to municipalities and interested persons for such fee as the director
26 shall prescribe.

27 **SECTION 12.** (1) When a municipality administers and enforces all
28 or part of the plumbing, electrical, structural or mechanical, heating and
29 ventilating codes, the governing body of the municipality shall, unless
30 other means are already provided, appoint a person to administer and
31 enforce such specialty codes or parts thereof, who shall be known as the
32 building official. A building official shall, in the municipality for which
33 he is appointed, attend to all aspects of code enforcement, including the
34 issuance of all building permits. Two or more municipalities may combine

1 in the appointment of a single building official for the purpose of ad-
2 ministering the provisions of the code within their communities.

3 (2) By May 1, 1974, the governing body of each municipality shall
4 notify the director of the specialty codes or parts thereof that it will
5 administer and enforce beginning July 1, 1974. If parts of specialty codes
6 are to be administered and enforced by a municipality the parts shall
7 correspond to a classification designated by the director as reasonable
8 divisions of work by type of structure or installation, or by complexity
9 of work.

10 (3) If a city does not notify the director, or notifies him that it will
11 not administer certain specialty codes or parts thereof, the county or
12 counties in which the city is located shall administer and enforce those
13 codes or parts thereof within the city in the same manner as it administers
14 and enforces them outside the city, except as provided by subsection (4)
15 of this section.

16 (4) If a county does not notify the director, or notifies him that it
17 will not administer and enforce certain specialty codes or parts thereof,
18 the administrator shall contract with a municipality or use such state
19 employees or state agencies as are necessary to administer and enforce
20 those codes or parts thereof, and permit or other fees arising therefrom
21 shall be paid into the State Treasury and credited to the account respon-
22 sible for paying such expenses.

23 (5) The governing body of a municipality may change its building
24 code administration and enforcement responsibility beginning July 1 of
25 any year by notifying the director by May 1 of such year of the change
26 to be made. Upon such change, responsibility shall be fixed as provided
27 by subsections (3) and (4) of this section.

28 SECTION 13. As used in sections 13 to 19 of this Act, unless the con-
29 text otherwise requires:

30 (1) "Building official" means a person charged by a municipality with
31 responsibility for administration and enforcement of the state building
32 code in the municipality.

33 (2) "Inspector" means a person acting under the authority and direc-

1 tion of a building official and charged with the responsibility of routine
2 enforcement of any specialty code.

3 **SECTION 14.** (1) In accordance with applicable provisions of ORS
4 chapter 183, to promote effective and uniform enforcement of the state
5 building code by improving the competence of building officials and in-
6 spectors, the director, with the advice of the advisory boards, shall:

7 (a) Establish for building officials and inspectors reasonable mini-
8 mum training and experience standards, including but not limited to
9 courses or subjects for instruction, facilities for instruction, qualification
10 of instructors, methods of instruction and classification of responsibility.

11 (b) Establish a procedure to be used by municipalities to determine
12 whether a person meets minimum standards or has minimum training to
13 be appointed or employed as a building official or inspector.

14 (c) Subject to such terms, conditions and classifications as the
15 director may impose, certify building officials as being qualified, and
16 revoke such certifications in the manner provided in section 19 of this Act.

17 (d) Subject to such terms, conditions and classifications as the director
18 may impose, certify inspectors as being qualified to enforce one or more
19 particular specialty codes, and revoke such ^{certifications} ~~certification~~ in the manner
20 provided in section 19 of this Act.

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21 (2) The director shall maintain and, upon request of municipalities,
22 furnish information on applicants for appointment or employment as
23 building officials or inspectors.

24 (3) Pursuant to ORS chapter 183, the director shall adopt rules neces-
25 sary to carry out the certification programs provided by this section.

26 **SECTION 15.** (1) Upon application, the director or his authorized
27 representative shall examine and evaluate any program or facility estab-
28 lished by a municipality or educational institution for the training of
29 building officials and inspectors.

30 (2) If the director finds that a training program is qualified under
31 the minimum requirements established pursuant to section 14 of this Act,
32 the director shall, in writing, certify the training program as being quali-
33 fied for such a period of time and upon such conditions as the director

1 may prescribe. An individual complies with any minimum requirement
2 for building officials or inspectors established pursuant to section 14 of
3 this Act when he satisfactorily completes a training program certified
4 under this section.

5 **SECTION 16.** After July 1, 1977, no person shall be appointed or em-
6 ployed as a building official or inspector by any municipality unless he
7 has been certified as being qualified under the provisions of sections 13
8 to 19 of this Act, and the certification has not lapsed or been revoked.

9 **SECTION 17.** The certification of any building official or inspector
10 who does not serve in such capacity for a period of time in excess of
11 three consecutive months, unless he is on a leave of absence from a
12 municipality and intends to return to his position upon the conclusion of
13 such leave, shall be considered lapsed. Upon reemployment as a building
14 official or inspector, a person whose certification has lapsed may apply
15 for certification in the manner provided in section 18 of this Act.
16 **SECTION 18.** (1) Any person desiring to be certified as a building
17 official or inspector pursuant to sections 13 to 19 of this Act shall make
18 application to the director upon such forms as the director may prescribe
19 for such purpose.

20 (2) Each person applying for certification pursuant to this section shall
21 pay a fee of \$20. If for any reason the application is withdrawn, or the
22 certification is not granted, one-half of the application fee shall be refunded
23 to the applicant.

24 (3) Upon determining that the applicant is qualified under the pro-
25 visions of sections 13 to 19 of this Act, the director shall issue or cause to
26 be issued to the applicant a certificate setting forth the class and any
27 restrictions upon his certification, including, if he is an inspector, the
28 particular specialty codes which he is certified to enforce.

29 **SECTION 19.** (1) The director may, upon notice and hearing, re-
30 voke the certification of any building official or inspector when it appears
31 to him by competent evidence that the building official or inspector has
32 consistently failed to act in the public interest in the performance of his
33 duties. In any revocation proceeding under this section, the municipality

1 that employs the building official or inspector shall be entitled to appear
2 as a party in interest, either for or against the revocation.

3 (2) Nothing in this section shall be construed to limit or otherwise
4 affect the authority of a municipality to dismiss or suspend a building offi-
5 cial or inspector at its discretion.

6 **SECTION 20.** The administrator may, upon an application setting
7 forth a set of plans and specifications that will be utilized in one or
8 more municipalities to acquire building permits, review and approve
9 the application for the construction or erection of any building or struc-
10 ture if such set of plans meets the requirements of the state building
11 code. All costs incurred by the administrator by virtue of the examination
12 of such a set of plans and specifications shall be paid by the applicant.
13 The plans and specifications or any plans and specifications required to
14 be submitted to a state agency shall be submitted to the administrator
15 who shall examine the instruments and if necessary distribute them to the
16 appropriate state agencies for scrutiny regarding adequacy as to fire
17 safety and all other appropriate features. The state agencies shall examine
18 and promptly return the plans and specifications together with their
19 certified statement as to the adequacy of the instruments regarding that
20 agency's area of concern. Any building official shall issue a building per-
21 mit upon application and presentation to him of such a set of plans and
22 specifications bearing the approval of the administrator if the require-
23 ments of all other local ordinances are satisfied.

24 **SECTION 21.** (1) Any person who desires to use or furnish any ma-
25 terial, design or method of construction or installation in the state, or any
26 building official, may request the director to issue a ruling with respect
27 to the acceptability of any material, design or method of construction
28 about which there is a question under any provision of the state building
29 code. Requests shall be in writing and, if made by anyone other than a
30 building official, shall be made and the ruling issued prior to the use or
31 attempted use of such questioned material, design or method.

32 (2) In making rulings, the director shall obtain the approval of the
33 appropriate advisory board as to technical and scientific facts and shall
34 consider the standards and interpretations published by the body that

1 promulgated any nationally recognized model code adopted as a specialty
2 code of this state.

3 (3) A copy of the ruling issued by the director shall be certified to
4 the person making the request. Additional copies shall be transmitted to
5 all building officials in the state. The director shall keep a permanent
6 record of all such rulings, and shall furnish copies thereof to any interested
7 person upon payment of such fees as the director may prescribe.

8 (4) A building official or inspector shall approve the use of any ma-
9 terial, design or method of construction approved by the director pursuant
10 to this section if the requirements of all other local ordinances are satisfied.
11 SECTION 22. Any person aggrieved by the final decision of a munici-
12 pal appeals board or a subordinate officer of the department as to the
13 application of any provision of a specialty code may, within 30 days after
14 the date of the decision, appeal to the appropriate advisory board. The
15 appellant shall submit a fee of \$20, payable to the director, with his request
16 for appeal. The final decision of the involved municipality or state officer
17 shall be subject to review and final determination by the appropriate
18 advisory board as to technical and scientific determinations related to
19 the application of the specialty code involved.

20 SECTION 23. Building permits or certificates of occupancy validly
21 issued before July 1, 1974, regarding buildings or structures being con-
22 structed or altered pursuant thereto, shall be valid thereafter and the
23 construction may be completed pursuant to the building permit, unless
24 the building official determines that life or property is in jeopardy.
25 SECTION 24. (1) A person shall not:

26 (a) Violate or procure, aid or abet in the violation of any final order
27 concerning the application of a provision of the state building code in a
28 particular case made by the director, an advisory board, a state adminis-
29 trative officer or any local appeals board, building official or inspector.

30 (b) Engage in or procure, aid or abet any other person to engage in
31 any conduct or activity for which a permit, certificate, label or other
32 formal authorization is required by any specialty code or other regulation
33 promulgated pursuant to sections 1 to 29 of this Act without first having
34 obtained such permit, certificate, label or other formal authorization.

1 (2) Violation of subsection (1) of this section is a Class B misdemeanor.
2 In the case of a continuing violation, every day's continuance of the vio-
3 lation is a separate offense.

4 **SECTION 25.** (1) For the purpose of defraying the costs of training
5 and other educational programs administered by the department under
6 sections 1 to 29 of this Act there is hereby imposed a surcharge in the
7 amount of one percent of the total building permit fees collected by a
8 municipality in connection with the construction of, or addition or altera-
9 tion to, buildings and equipment or appurtenances on and after July 1, 1973.

10 (2) Permit surcharges shall be collected by each municipality and re-
11 mitted to the administrator. Each municipality having a population
12 greater than 40,000 shall, on a monthly basis, prepare and submit to the
13 administrator a report of permits and certificates issued in each class or
14 category and fees and surcharges thereon collected during the month, to-
15 gether with other statistical information as required by the director con-
16 cerning construction activity regulated by the parts of the state building
17 code administered by the municipality. All other municipalities shall
18 submit such a report on a quarterly basis. The report, which shall be in
19 a form prescribed by the director, shall be submitted, together with a
20 remittance covering the surcharges collected, by no later than the 15th
21 day following the month or quarter in which the surcharges are collected.

22 (3) All surcharges and other fees prescribed by sections 1 to 29 of this
23 Act and payable to the department, except fees received under subsection
24 (4) of section 12 of this Act, shall be deposited by the director in the State
25 Treasury for credit to the Building Code Account created by section 38
26 of this Act.

27 **SECTION 26.** On the effective date on which regulations promulgated
28 by the director regarding prefabricated structures are given the force
29 and effect of law under ORS 183.355, this section and section 27 of this Act
30 shall expire and have no force and effect. Until such time as the director
31 adopts such regulations, the rules set forth in section 27 of this Act shall
32 be a part of the state building code and govern the regulation of prefab-
33 ricated structures.

1 SECTION 27. (1) Rule 1. General.

2 (a) Purpose. The purpose of these rules is to regulate materials and
3 establish methods of safe construction where any structure or portion
4 thereof is wholly or partially prefabricated.

5 (b) Scope. Unless otherwise specifically stated, all prefabricated con-
6 struction and all materials used therein shall conform to all requirements
7 of this code, except as otherwise noted.

8 (c) Definitions.

9 (A) "Code" means the requirements, standards, rules and regulations
10 set forth in this section.

11 (B) "Prefabricated structure" has the meaning given that term by
12 section 1 of this Act.

13 (C) "Installation" means the assembly of a prefabricated structure on
14 site, and the process of affixing the structure to land, a foundation, footings
15 or an existing building.

16 (2) Rule 2. Tests and materials. Every approval of a material not
17 specifically mentioned in this code may incorporate as a proviso the kind
18 and number of tests to be made during prefabrication.

19 (3) Rule 3. Tests of assemblies. The state building code administra-
20 tor may require special tests to be made on prefabricated structures to
21 determine their durability and weather resistance.

22 (4) Rule 4. Connections. Every device designed to connect prefabri-
23 cated assemblies shall be capable of developing the strength of the mem-
24 bers connected, except in the case of members forming part of structural
25 frame designed as specified in other parts of the code. The connection
26 device shall be designed as required by the other parts of the code.

27 (5) Rule 5. Pipes and conduits. In structural design, due allowances
28 shall be made for any material to be removed for the installation of pipes,
29 conduits or other equipment or for on-site inspection.

30 (6) Rule 6. Certificate and inspection of materials and manufacture.

31 (a) Before any material is delivered to the site, the manufacturer shall
32 submit complete details, drawings and specifications of the assembly for
33 the approval of the state building code administrator. No prefabricated
34 structure shall be sold, offered for sale or installed in the state and no

1 permit shall be issued with respect to a building consisting in whole or
2 part of a prefabricated structure unless the materials therein and manu-
3 facture thereof have been certified by the administrator to be in com-
4 pliance with the code. The administrator shall make such inspections
5 as necessary to insure compliance and may send inspectors into other
6 states to inspect the manufacture of prefabricated structures to be sold,
7 offered for sale or installed in the State of Oregon. All costs incurred by the
8 administrator by virtue of the inspection of materials and manufacture
9 shall be paid by the involved manufacturer. Following inspection and pay-
10 ment by the manufacturer of the costs arising therefrom the administrator
11 shall issue a certification with respect to each prefabricated structure con-
12 sidered to be in compliance with the code and a copy of the certificate
13 shall be affixed to the structure or part thereof. The certification by the
14 administrator that a prefabricated structure complies with the code shall
15 be conclusive on all agencies and instrumentalities of the state, its political
16 subdivisions and municipalities. The administrator shall require a certifi-
17 cate from the manufacturer which shall:

18 (A) Identify the manufacturer of the prefabricated structure or com-
19 ponent of the prefabricated structure.

20 (B) Identify, by serial number or otherwise, the particular prefabricat-
21 ed structure or component of the prefabricated structure being certified
22 as in compliance with the code.

23 (C) Certify that the materials used in the manufacture of prefabricated
24 structures or component of the prefabricated structures are in compliance
25 with the code.

26 (b) After certification no changes in or modifications to the pre-
27 fabricated structure or part thereof may be made by the manufacturer
28 without the approval of the administrator.

29 (7) Rule 7. On-site assembly and installation. The installation of pre-
30 fabricated structures shall comply with the provisions of the code and
31 shall be subject to the inspection of the building official of the jurisdiction
32 in which the site is situated.

33 (8) Rule 8. Continuous inspection. If continuous inspection is re-
34 quired for certain materials where construction takes place on site, it

1 shall be required where the same materials are used in prefabricated
2 construction.

3 **SECTION 28.** For the purposes of the codes of regulations adopted
4 under sections 1 to 29 of this Act, unless the context clearly indicates
5 otherwise, the following substitutions shall be made in any code adopted
6 by reference as part of the state building code:

7 (1) "Building official" for "administrative authority."

8 (2) "Governing body" for "mayor" and "city council."

9 (3) "Municipality" for "city."

10 **SECTION 29.** If the director determines that the standards for pre-
11 fabricated structures prescribed by statute, rule or regulation of another
12 state are at least equal to the regulations prescribed under sections 1 to 29
13 of this Act, and that such standards are actually enforced by such other
14 state, he may provide by regulation that prefabricated structures approved
15 by such other state shall be deemed to have been approved by the director.

16 **SECTION 30.** Notwithstanding the provisions of any other law, the sum
17 of \$192,898 is established for the biennium beginning July 1, 1973, as the
18 maximum limit for the payment of expenses out of the Building Code
19 Account in the General Fund, created by section 38 of this Act, for the
20 purpose of carrying out the provisions of sections 1 to 29 of this Act.

21 Section 31. ORS 447.080, as amended by section 228, chapter —,
22 Oregon Laws 1973 (Enrolled Senate Bill 77), is amended to read:

23 447.080. Nothing in ORS 447.010 to 447.140 prevents any city or county
24 from enacting and enforcing ordinances or building codes for the regu-
25 lation of the business of master plumbing, or which prescribe the manner
26 in which [*plumbing and*] drainage work shall be installed in such city
27 or county, except that such ordinances or codes shall not prescribe a lower
28 standard of installation of [*plumbing and*] drainage work than that pre-
29 scribed in ORS 447.010 to 447.140.

30 Section 32. ORS 476.080 is amended to read:

31 476.080. (1) The State Fire Marshal and his deputies, at all reasonable
32 hours, may enter into all buildings and upon all premises, except private
33 residences, for the purpose of inspection to ascertain if fire hazards exist

1 therein or thereon. **Owners of private residences may request a fire in-**
2 **spection of their property.**

3 (2) No person shall interfere with or prevent any such inspection
4 by such officers.

5 (3) When any person interferes with or prevents the State Fire Marshal
6 or his deputies from making the inspection mentioned herein, the officer
7 shall apply to the district attorney of the county wherein the inspection
8 was made or attempted to be made, for a warrant for the arrest of the
9 offending person, and it shall be the duty of such district attorney forth-
10 with to prosecute such offending person.

11 Section 33. ORS 479.155 is amended to read:

12 479.155. (1) **As used in this section:**

13 (a) **"Director"** means the **Director of Commerce.**

14 (b) **"Administrator"** means the **state building code administrator ap-**
15 **pointed pursuant to subsection (1) of section 10 of this 1973 Act.**

16 [(1)] (2) Prior to construction or alteration of a hospital, public
17 building as defined in paragraph (i) of subsection (1) of ORS 479.010,
18 public garage, dry cleaning establishment, apartment house, hotel, bulk
19 oil storage plant, school, institution as defined in ORS 479.210, or any other
20 building or structure regulated by the State Fire Marshal for use and
21 occupancy or requiring approval by the State Fire Marshal pursuant to
22 statute, the owner shall submit to the [State Fire Marshal] **administrator**
23 two copies of a plan or sketch showing the location of the building or
24 structure with relation to the premises, distances, lengths and details
25 of construction as the [State Fire Marshal] **director** shall require. Such
26 filing shall not be required with respect to any such building or structure
27 in any area exempted by order of the State Fire Marshal pursuant to
28 ORS 476.030. **Approval of such plans by the administrator shall be con-**
29 **sidered approval by the State Fire Marshal, and shall satisfy any statu-**
30 **tory provision requiring approval by the State Fire Marshal.**

31 [(2)] (3) A declaration of the value of the proposed construction or
32 alteration and the appropriate fee **required under section 3 of this 1973**
33 **Act** shall accompany the plan or sketch. However, the determination of
34 value or valuation [under any of the provisions of this code] shall be made

1 by the [State Fire Marshal or deputy state fire marshal] director or his
2 authorized assistant.

3 [(3) A plan examination fee shall be paid to the State Fire Marshal
4 as follows:]

5 [_____]

6 [TOTAL VALUATION FEE]

7 [Less than \$20 No Fee]

8 [\$20, to and including \$100 \$.50]

9 [More than \$100, to and including \$40075]

10 [More than \$400, to and including \$700 1.25]

11 [More than \$700, to and including \$1,000 1.50]

12 [Each additional \$1,000 or fraction,
13 to and including \$25,00075]

14 [Each additional \$1,000 or fraction,
15 to and including \$50,00060]

16 [Each additional \$1,000 or fraction,
17 to and including \$100,00040]

18 [Each additional \$1,000 or fraction,
19 more than \$100,00025]

20 _____

21 (4) The [State Fire Marshal] administrator or his staff shall be fur-
22 nished with not less than two accurate copies of the plan or sketch and
23 details for the purpose of ascertaining compliance with applicable fire
24 prevention and protection statutes and regulations. The plan examiner
25 shall indicate on the plan or sketch and in writing his approval or dis-
26 approval and conditions for approval of the construction or alteration. One
27 copy of the plan or sketch shall be retained by the [State Fire Marshal]
28 administrator and one copy shall be returned to the applicant. No building
29 or structure referred to in subsection (2) of this section shall be erected
30 or constructed without approval by the [State Fire Marshal or his
31 deputy] administrator if the building or structure requires approval by
32 the State Fire Marshal. After such approval or issuance of the required
33 permit, construction or alteration shall comply with the plan or sketch

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1 in all respects unless modified by subsequent permit or order of the [State
2 Fire Marshal] director or his authorized assistant.

3 (5) The approval of a plan or sketch shall not be construed to be a
4 permit for, or an approval of, any violation of any statute or regulation
5 or the applicable ordinances and regulations of any governmental sub-
6 division of the state. The approval of the plan or sketch shall not be
7 construed as an approval for noncompliance with fire marshal regulations.
8 Any condition upon approval or disapproval shall be deemed an order
9 subject to appeal as other orders are appealable.

10 **SECTION 34.** If House Bill 2285 (1973 regular session) becomes law,
11 section 8, chapter —, Oregon Laws 1973 (Enrolled House Bill 2285),
12 amending ORS 479.155, is repealed.

13 Section 35. ORS 479.530 is amended to read:

14 479.530. As used in ORS 479.510 to 479.850, unless the context requires
15 otherwise:

16 (1) "Approved testing laboratory" means a testing laboratory making
17 scientific safety tests of electrical products in its plant by testing individual
18 samples, specimens and prototypes thereof, and maintaining an adequate
19 system of follow-up inspections in this state of the class of electrical prod-
20 ucts tested in the laboratory and offered for sale or distributed in this
21 state.

22 (2) "Board" means the Electrical Advisory Board appointed under
23 ORS 479.800.

24 (3) "Certificate of registration" means a certificate issued by the
25 Department of Commerce to a dealer in electrical products showing that
26 the dealer has registered.

27 (4) "Certified electrical product" means:

28 (a) An electrical product listed in the published list of Underwriters
29 Laboratories dated May 19, 1958, and the supplements thereto through
30 December 1958 as an approved electrical product, and which has not been
31 decertified.

32 (b) An electrical product certified by the Department of Commerce
33 under subsection (2) of ORS 479.760 which has not been decertified.

34 (c) A gas using device, with electrical components, listed in the pub-

1 lished list of American Gas Association Laboratories, dated January 1, 1959,
2 as complying with American Standard Requirements and which has not
3 been decertified.

4 (5) "Competent inspection service" means the electrical inspection
5 service of [*an incorporated city with safety standards not lower than those*
6 *required by ORS 479.510 to 479.850 as they apply to the type of electrical*
7 *installation covered by the city ordinance*] a city or county.

8 (6) "Electrical installations" include construction, installation, main-
9 tenance and repair of electrical wiring and electrical equipment to be oper-
10 ated thereby, except communication and signal systems of railroad com-
11 panies.

12 (7) "Electrical product" includes any electrical equipment, appliance,
13 material, device or apparatus to convey or be operated by electrical current.

14 (8) "Household appliance label" includes labels for installation of
15 farming irrigation pumps, household appliances and additions to electric
16 wiring in residences.

17 (9) "Label" means a card signed by the Director of Commerce or a
18 competent inspection service and issued to an electrical contractor or
19 property owner indicating that the electrical installation proposed has
20 been tentatively approved by the [*Director of Commerce*] signer as
21 meeting the minimum safety standards.

22 (10) "License" means an annual permit issued by the Department of
23 Commerce under ORS 479.630 authorizing the person whose name appears
24 as licensee thereon to act as an electrical contractor, supervising electrician,
25 journeyman or apprentice electrician as indicated thereon.

26 (11) "Minimum safety standards" means safety standards prescribed
27 by the Department of Commerce under ORS 479.730, except as provided in
28 ORS 479.720.

29 (12) "Persons" includes individuals, corporations, associations, firms,
30 partnerships and joint stock companies.

31 (13) "Serving agency" means a person principally engaged in the
32 business of generating or selling electricity in connection with the con-
33 struction or maintenance of electrical lines, wires or equipment.

1 (14) "Uncertified product" includes all electrical products which are
2 not certified.

3 Section 36. ORS 479.540 is amended to read:

4 479.540. (1) No person is required to obtain a license to make an
5 electrical installation on property which is owned by himself or a mem-
6 ber of his immediate family, and not presently intended for sale.

7 (2) No electrical contractor license is required in connection with
8 an electrical installation:

9 (a) Of meters and similar devices by a serving agency for measuring
10 electricity.

11 (b) Of ignition or lighting systems for motor vehicles.

12 (c) To be made by a person on his property in connection with his busi-
13 ness.

14 (d) To be made by a public utility or municipality for generation,
15 transmission or distribution of electricity on property which it owns or
16 manages.

17 (3) No person whose sole business is generating or selling electricity
18 in connection with the construction or maintenance of electrical lines,
19 wires or equipment, is required to obtain a certificate of registration or
20 license to transform, transmit or distribute electricity from its source to
21 the service head of the premises to be supplied thereby.

22 [(4) No label is required for electrical installation made within the
23 limits of an incorporated city maintaining a competent inspection service
24 providing the electrical installation is of a type covered by the city ordi-
25 nance.]

26 [(5)] (4) No certificate of registration is required to sell, dispose of
27 by gift or otherwise any electrical product within the limits of [incorpo-
28 rated] cities and counties maintaining a competent inspection service and
29 making periodical inspections of electrical stock of dealers in electrical
30 products.

31 [(6)] (5) No certificate of registration or license is required for tem-
32 porary demonstrations.

33 [(7)] (6) The provisions of ORS 479.510 to 479.850 shall not apply to
34 electrical products owned by, supplied to, or to be supplied to public

1 utilities as defined in ORS 757.005, nor to electrical installations made by or
2 for such a public utility where the electrical installations are an integral
3 part of the equipment of such utility.

4 [(8)] (7) No label is required for the repair, alteration or replace-
5 ment of existing electrical equipment of an industrial plant.

6 [(9)] (8) In cases of emergency in industrial plants no label is re-
7 quired in advance for electrical installation made by a person licensed
8 under subsections (2), (4) and (6) of ORS 479.630 if an application accom-
9 panied by appropriate fee for a label is submitted to the Department of
10 Commerce within five days after the commencement of such electrical
11 work.

12 [(10)] (9) No person is required to obtain a license or label to set
13 in place a certified electrical product or make a connection therefrom to
14 services and facilities other than electrical.

15 Section 37. ORS 479.820 is amended to read:

16 479.820. (1) The Department of Commerce shall:

17 (a) Check the authenticity, appropriateness and expiration dates of
18 licenses and certificates of registration issued under ORS 479.510 to 479.850.

19 (b) Inspect electrical installations and products for which a label,
20 license or certificate of registration is required by ORS 479.510 to 479.850.

21 (c) Inspect labels attached to electrical installations or products for
22 which a label is required by ORS 479.510 to 479.850.

23 (2) If the Department of Commerce finds that the electrical installa-
24 tion or product fails to comply with minimum safety standards, it may dis-
25 connect or order the disconnection of service thereto.

26 (3) If the Department of Commerce finds that the condition of an
27 electrical installation or product constitutes an immediate hazard to life
28 or property, it may cut or disconnect any wire necessary to remove such
29 hazard.

30 (4) Upon written request of appropriate municipal personnel, the De-
31 partment of Commerce may make inspections of electrical installations
32 and products within [*incorporated cities having by ordinance adopted mini-*
33 *imum safety standards for such installations or products which meet the*
34 *requirements of ORS 479.510 to 479.850*] cities and counties. Such inspec-

1 tions shall be made at cost, in accordance with local municipal ordinances
2 [*and building codes*], payable on a monthly basis.

3 (5) For the purpose of discharging any duty imposed by ORS 479.510
4 to 479.850 or exercising authority conferred hereby the Department of
5 Commerce may, during reasonable hours, enter any building, enclosure,
6 or upon any premises where electrical work is in progress, where an
7 electrical installation has been made or where electrical equipment or
8 products may be located. No person shall obstruct or interfere with the
9 Department of Commerce in performance of any of its duties or the exercise
10 of any authority conferred under this section.

11 **SECTION 38.** There hereby is established in the General Fund of the
12 State Treasury the Building Code Account. Except as otherwise provided
13 by law, all moneys appropriated or credited to the Building Code Account
14 hereby are appropriated continuously for and shall be used by the Director
15 of Commerce for the purpose of carrying out the duties and responsibilities
16 imposed upon the Department of Commerce, its officers or divisions, under
17 sections 1 to 29 of this Act, ORS 446.155 to 446.200, 447.010 to 447.140, 460.005
18 to 460.175, 460.310 to 460.380, 479.510 to 479.850, 480.510 to 480.615 and ORS
19 chapter 693.

20 Section 39. ORS 460.175 is amended to read:

21 460.175. All receipts from fees, charges, costs, expenses and fines
22 provided for in ORS 460.005 to 460.175 shall be collected by the [*Labor*
23 *Commissioner*] **Department of Commerce** and paid to the State Treasurer
24 on the first day of each month and credited by the State Treasurer to the
25 [*Electrical Regulation*] **Building Code Account created by section 38 of**
26 **this 1973 Act.** [*in the General Fund. The moneys in the Electrical Regulation*
27 *Account, as may be necessary for paying the expenses for administering*
28 *and enforcing ORS 460.005 to 460.175, are hereby continuously appropriated*
29 *for that purpose.*]

30 Section 40. ORS 460.370 is amended to read:

31 460.370. All fees collected by the department under ORS 460.310 to
32 460.380 and subsection (2) of ORS 460.990 shall be paid to the State Treas-
33 urer and [*become part of*] **credited to the Building Code Account created**
34 **by section 38 of this 1973 Act** [*the General Fund*].

1 Section 41. ORS 479.850 is amended to read:

2 479.850. All receipts from fees, charges, costs, expenses and fines pro-
3 vided for in [section 145, chapter —, Oregon Laws 1971 (Enrolled House
4 Bill 1048) and] ORS 446.175, 460.165, 479.510 to 479.850 and 479.990 when col-
5 lected shall be paid into the General Fund on the first day of each month
6 and credited to the [Regulation] **Building Code** Account created [hereby]
7 by section 38 of this 1973 Act. [The money in the Regulation Account that
8 is necessary for paying the expenses of administering and enforcing section
9 145, chapter —, Oregon Laws 1971 (Enrolled House Bill 1048) and ORS
10 446.175, 460.165, 479.510 to 479.850 and 479.990 is hereby continuously appro-
11 priated for that purpose.]

12 Section 42. ORS 480.610 is amended to read:

13 480.610. All receipts from fees, charges, costs and expenses under
14 ORS 480.510 to 480.615 shall be collected by the Department of Commerce
15 and paid into the State Treasury on the first day of each month for the
16 preceding month, and credited by the State Treasurer to the [Bureau of
17 Labor] **Building Code** Account created by section 38 of this 1973 Act for
18 purposes authorized by law.

19 **SECTION 43.** Section 44 of this Act is added to and made a part of
20 ORS chapter 693.

21 **SECTION 44.** All receipts from fees permitted under ORS 693.050 and
22 693.060 shall be collected by the department and, on the first day of each
23 month for the preceding month, paid into the State Treasury and credited
24 by the State Treasurer to the Building Code Account created by section
25 38 of this 1973 Act.

26 **SECTION 45.** (1) Any money remaining in the Electrical Regulation
27 Account described by ORS 460.175 or the Regulation Account described
28 by ORS 479.850 on the effective date of this Act shall be and hereby is
29 transferred and credited to the Building Code Account created by section
30 38 of this Act.

31 (2) Any money remaining in the State Plumbing Board Account,
32 authorized by ORS 670.335, on the effective date of this Act shall be and
33 hereby is transferred and credited to the Building Code Account created
34 by section 38 of this Act.

1 **SECTION 46.** (1) ORS 447.110 and 447.120, as amended by Senate
2 Bill 77 (1973 regular session), and ORS 447.130 are repealed.

3 (2) Notwithstanding subsection (1) of this section, the provisions of
4 ORS 447.110 and 447.120, as amended by Senate Bill 77 (1973 regular ses-
5 sion), and ORS 447.130 and regulations adopted pursuant thereto shall
6 continue in effect as regulations until superseded, amended or repealed by
7 a plumbing specialty code adopted by the Director of Commerce pursuant
8 to sections 1 to 29 of this Act.

9 Section 47. If Senate Bill 827 (1973 regular session) becomes law,
10 section 39 of this Act is repealed and ORS 460.175, as amended by section
11 17, chapter —, Oregon Laws 1973 (Enrolled Senate Bill 827), is amended
12 to read:

13 460.175. All receipts from fees, charges, costs, expenses and fines pro-
14 vided for in ORS 460.005 to 460.175 shall be collected by the department
15 and paid to the State Treasurer on the first day of each month and credited
16 by the State Treasurer to the [*Elevator Regulation*] **Building Code Ac-**
17 **count** [*hereby*] created [*in the General Fund*] by **section 38 of this 1973**
18 **Act**. [*The moneys in the Elevator Regulation Account, as may be neces-*
19 *sary for paying the expenses for administering and enforcing ORS 460.005*
20 *to 460.175, are hereby continuously appropriated for that purpose.*]

21 Section 48. If Senate Bill 827 (1973 regular session) becomes law, sec-
22 tion 41 of this Act is repealed and ORS 479.850, as amended by section 18,
23 chapter —, Oregon Laws 1973 (Enrolled Senate Bill 827), is amended
24 to read:

25 479.850. All receipts from fees, charges, costs, expenses and fines pro-
26 vided for in ORS 446.175, 479.510 to 479.850 and 479.990 when collected
27 shall be paid into the General Fund on the first day of each month and
28 credited to the [*Regulation*] **Building Code Account** created [*hereby*] by
29 **section 38 of this 1973 Act**. [*The money in the Regulation Account that is*
30 *necessary for paying the expenses of administering and enforcing ORS*
31 *446.175, 479.510 to 479.850 and 479.990 is hereby continuously appropriated*
32 *for that purpose.*]

1 **SECTION 49.** This Act being necessary for the immediate preservation
2 of the public peace, health and safety, an emergency is declared to exist,
3 and this Act takes effect on its passage.



HOUSE COMMITTEE REPORT

Re-Eng. SB 73

COMMITTEE ON STATE AND FEDERAL AFFAIRS

DATED 6-21-73

Mr. Speaker: The committee on STATE AND FEDERAL AFFAIRS to whom was referred

Re-Eng. SB 73, having had the same under consideration, respectfully reports it back with the recommendation:

- that the bill do pass.
- that the bill do pass as amended.
- that the bill be now referred to the Committee on _____
_____ (according to prior reference)

IDENTIFICATION OF SUBSTANTIVE AMENDMENTS BY THE COMMITTEE:

The relationship of the director and the boards is changed in the areas of adoption of rules and administrative appeals by the changes in sections 3 and 5. The phrase "advice of the board" is changed to "approval of the board."

The responsibility for amending of existing codes and the adoption of additional codes is placed with the director, except for State Fire Marshal regulations.

Clarifies the relationship between the director and the State Fire Marshal by removing plan review functions from the Fire Marshal and placing them with the Department of Commerce.

(MORE)

EXPLANATION OF THE BILL:

SEE MEASURE SUMMARY.

ATTACHMENTS

- Engrossed bill
- Attested by E & E
- Attested by Leg. Counsel

Les AuCoin
Chairman Representative Les AuCoin
Date: 6-21-73

IDENTIFICATION OF SUBSTANTIVE AMENDMENTS BY THE COMMITTEE:

Adopts a new fee schedule taken from the Uniform Building Code for 1973.

Modifies the appeals procedure to include the appropriate state advisory boards.

Clarifies the relationships in administrative responsibility between the state Department of Commerce and the municipalities.

Civil penalties are removed and criminal penalties inserted.

HOUSE AMENDMENTS

TO Re-Eng. SB 73

COMMITTEE ON STATE AND FEDERAL AFFAIRS

Committee Report dated 6-21-73 Date(s) of Committee Action: 6-21-73

On page 2 of the printed re-engrossed bill, line 4, delete "447.020," and in the same line after "476.080," insert "479.155,".

In line 5, after the first semicolon insert "repealing ORS 447.110, 447.120 and 447.130;".

In line 8, delete "22" and insert "29".

In line 11, delete "State Structural Code" and in the same line after the second "board" insert "with responsibility for assisting in the adoption, amendment or administration of a specialty code".

After line 11, insert:

"(3) 'Department' means the Department of Commerce."

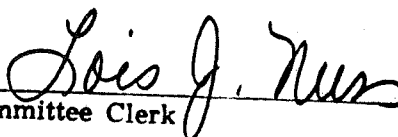
In line 12, delete "(3)" and insert "(4)".

In line 13, delete "(4)" and insert "(5)" and in the same line delete "agency" and insert "unit".

In line 15, delete "(5)" and insert "(6)".

In line 17, delete ", and shall" and insert "; but does".

In line 18, after "home" insert ", trailer or recreational vehicle".


Committee Clerk

Delete lines 19 and 20 and insert:

"(7) 'Specialty code' means a code of regulations adopted under subsection (2) of section 2 of this Act, ORS 446.185, subsection ⁽²⁾~~(3)~~ of 447.020, ORS 460.085, 460.360, subsection (1) of 479.730 or ORS 480.535; but does not include regulations adopted by the State Fire Marshal pursuant to ORS chapter 476 or ORS 479.010 to 479.200 and 479.210 to 479.220."

In line 21, delete "(7)" and insert "(8)" and in the same line delete "or any" and insert a period.

Delete line 22.

In line 23, delete "(8)" and insert "(9)" and in the same line delete "rules and regulations governing" and insert "the specialty code prescribing".

In line 24, after "construction" insert a period and delete the rest of the line.

Delete line 25.

In line 26, delete "22" and insert "29".

In line 27, delete "and administer".

In line 30, after "therein" delete the rest of the line.

In line 31, delete "amendment of the state code of building construction".

On page 3, line 3, delete "22" and insert "29".

In line 6, delete "except mobile homes".

In line 7, delete "2a" and insert "3".

In line 8, after "documents" insert ", inspections and plan review services, by the department".

In line 9, after "(3)" delete the rest of the line and insert "Sections 1 to 29 of this Act do not affect".

In line 10, delete "strued as derogating in any respect from".

After line 15, insert:

"(4) Sections 1 to 29 of this Act and any specialty code do not limit the authority of a municipality to enact regulations providing for local administration of the state building code; local appeal boards; fees and other charges; abatement of nuisances; enforcement through penalties; stop-work orders or other means; or minimum health, sanitation and safety standards for governing the use of structures for housing, except where the power of municipalities to enact any such regulations is expressly withheld by statute."

In line 16, delete "2a" and insert "3".

In line 17, after "permits" insert "issued by the department".

In line 18, delete the comma and insert "and of".

In line 27 1/2, delete "\$3" and insert "\$4".

In line 29 1/2 delete "\$89" and insert "\$112" and in the same line delete "\$2.50" and insert "\$3".

In line 31, delete "\$151.50" and insert "\$187" and in the same line delete "\$1.50" and insert "\$2".

Delete lines 32 1/2 and 33 and insert:

"\$100,001 to \$500,000	\$287 for the first \$100,000 plus \$1.50 for each additional thousand or fraction thereof, to and including \$500,000
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"\$500,000 and up

\$887 for the first \$500,000
plus \$1 for each additional
thousand or fraction thereof."

On page 4, line 1, delete "checking" and insert
"examining".

In line 2, delete "13" and insert "20" and in the same
line after "Act" insert "or ORS 479.155".

In line 5, after the second "the" insert "prescribed".

After line 5, insert:

"(3) A municipality shall not, for the kind of
permits provided for by subsection (1) of this section,
enact or enforce any ordinance, rule or regulation fixing
any permit fee that is higher than the maximum fee pro-
vided by this section unless the municipality has the
prior approval of the director to do so. The director
shall approve any such fee or fees if he finds, after
notice and hearing, that the proposed fee or fees are
reasonable and necessary to provide funds for the munici-
pality to pay for the expenses of carrying out effective
enforcement of the specialty code or codes that are its
responsibility, pursuant to section 10 of this Act, to
enforce.

"Section 4. (1) Where a state agency other than the
Department of Commerce has, prior to the effective date of
this Act, adopted regulations, rules or standards that
relate to building construction and installation of equip-
ment therein, the agency shall review such regulations,

rules or standards for the purpose of revising or eliminating regulations, rules or standards that contradict or are inconsistent with the state building code or that burden the public with unnecessary duplication of building codes or inspections. Each such state agency shall submit the results of its review to the director prior to January 1, 1975.

"(2) The director shall review the reports submitted to him pursuant to subsection (1) of this section, and shall also review the rules, regulations and standards of the Department of Commerce and the laws of this state relating to building construction and installation of equipment therein to determine if the public is being asked to comply with contradictory or inconsistent requirements or is being burdened with unnecessary duplication of building codes or inspections. The director shall present the results of his review in a report to be submitted to the Governor on or before March 1, 1975, or as soon thereafter as he can reasonably complete it. The report shall summarize the statutory or regulatory contradictions, inconsistencies and redundancies as he may find and shall include his recommendations for the elimination of such contradictory, inconsistent or redundant laws and administrative acts."

In line 6, delete "3" and insert "5".

In line 10, after the second "the" delete the rest of the line and insert "approval of the appropriate advisory boards shall adopt and publish the specialty codes, including codes of regulations as authorized by subsection (2) of".

Delete line 11.

In line 15, after "protection" insert "in one-family and two-family dwellings".

In line 17, after the second "the" delete the rest of the line and insert "approval of the appropriate advisory boards may amend such codes from time to time. The codes".

Delete line 18.

In line 21, after the period delete the rest of the line and insert "If there is no nationally recognized model code, considera-".

In line 22, delete the last "the" and insert "this".

In line 23, delete "of Oregon".

Delete lines 32 through 34 and insert:

"Section 6. (1) The state building code shall be applicable and uniform throughout this state and in all municipalities therein, and no municipality shall enact or enforce any ordinance, rule or regulation in conflict therewith.

"(2) Subsection (1) of this section is operative:

"(a) With regard to the state structural code, July 1, 1974.

"(b) With regard to the state mechanical, heating and ventilating code, on the effective date of such code as determined under ORS 183.355.

"(c) With regard to the prefabricated structures code, as provided by sections 26 and 27 of this Act.

"(d) With regard to each specialty code not named by paragraphs (a) to (c) of this subsection, on the effective date, as determined under ORS 183.355, of the first amendments to such code adopted pursuant to sections 1 to 29 of this Act.

"Section 7. (1) The director shall appoint a State Structural Code Advisory Board to serve as provided by sections 1 to 29 of this Act. The director may appoint additional advisory boards as needed to carry out the intent of sections 1 to 29 of this Act."

On page 5, delete lines 1 through 11.

In line 12, after "The" insert "State Structural Code Advisory".

In line 23, after "The" insert "State Structural Code Advisory".

In line 27, after "the" insert "State Structural Code Advisory".

In line 29, delete "6" and insert "8" and in the same line delete "5" and insert "7".

In line 33, delete "7" and insert "9".

On page 6, line 2, delete "22" and insert "29".

Delete lines 3 through 8 and insert:

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

Delete lines 19 through 30 and insert:

"(4) Any interested person may propose amendments to the state building code, which proposed amendments may be either applicable to all municipalities or, where it is alleged and established that conditions exist within a municipality or some municipalities that are not generally found within other municipalities, amendments may be restricted in application to such municipalities. Amendments proposed to the state building code under this subsection shall be at least as restrictive as the regulations contained in the code and shall be in conformity with the policy and purpose prescribed by section 2 of this Act. The justification and the particular circumstances requiring the proposed amendments shall be fully stated in the proposal. The director shall submit all proposed amendments to the appropriate advisory board. The board shall review and report its recommendations to the director on the

amendments within 180 days after the date of submission by him.

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

In line 31, delete "(5)" and insert "(6)" and in the same line delete "assistant to the".

On page 7, line 1, delete "and shall" and insert "or intended for use in other activity regulated by the state building code, and shall, where necessary,".

In line 4, delete "22" and insert "29".

In line 5, delete "8" and insert "10".

In line 6, after "administrator" insert a comma.

In line 8, after "director" insert a comma.

In line 17, delete "had such previous experience" and insert "such experience and professional qualifications".

In line 20, delete "22" and insert "29".

In line 23, delete "9" and insert "11" and in the same line after "distribute" insert ", upon request and".

In line 24, after "charge" insert a comma and in the same line delete "structural" and insert "state building".

In line 27, delete "parties" and insert "persons".

Delete lines 28 through 33 and insert:

"Section 12. (1) When a municipality administers and enforces all or part of the plumbing, electrical, structural or mechanical, heating and ventilating codes, the governing body of the municipality shall, unless other means are already provided, appoint a person to administer and enforce such specialty codes or parts thereof, who shall be known as the building official. A building official shall, in the municipality for which he is appointed, attend to all aspects of code enforcement, including the issuance of all building permits. Two or more municipalities may combine in the appointment of a single building official for the purpose of administering the provisions of the code within their communities.

"(2) By May 1, 1974, the governing body of each municipality shall notify the director of the specialty codes or parts thereof that it will administer and enforce beginning July 1, 1974. If parts of specialty codes are to be administered and enforced by a municipality the parts shall correspond to a classification designated by the director as reasonable divisions of work by type of structure or installation, or by complexity of work.

"(3) If a city does not notify the director, or notifies him that it will not administer certain specialty codes or parts thereof, the county or counties in which the city is located shall administer and enforce those

codes or parts thereof within the city in the same manner as it administers and enforces them outside the city, except as provided by subsection (4) of this section.

"(4) If a county does not notify the director, or notifies him that it will not administer and enforce certain specialty codes or parts thereof, the administrator shall contract with a municipality or use such state employes or state agencies as are necessary to administer and enforce those codes or parts thereof, and permit or other fees arising therefrom shall be paid into the State Treasury and credited to the account responsible for paying such expenses.

"(5) The governing body of a municipality may change its building code administration and enforcement responsibility beginning July 1 of any year by notifying the director by May 1 of such year of the change to be made. Upon such change, responsibility shall be fixed as provided by subsections (3) and (4) of this section.

"Section 13. As used in sections 13 to 19 of this Act, unless the context otherwise requires:

"(1) 'Building official' means a person charged by a municipality with responsibility for administration and enforcement of the state building code in the municipality.

"(2) 'Inspector' means a person acting under the authority and direction of a building official and charged

with the responsibility of routine enforcement of any specialty code.

"Section 14. (1) In accordance with applicable provisions of ORS chapter 183, to promote effective and uniform enforcement of the state building code by improving the competence of building officials and inspectors, the director, with the advice of the advisory boards, shall:

"(a) Establish for building officials and inspectors reasonable minimum training and experience standards, including but not limited to courses or subjects for instruction, facilities for instruction, qualification of instructors, methods of instruction and classification of responsibility.

"(b) Establish a procedure to be used by municipalities to determine whether a person meets minimum standards or has minimum training to be appointed or employed as a building official or inspector.

"(c) Subject to such terms, conditions and classifications as the director may impose, certify building officials as being qualified, and revoke such certifications in the manner provided in section 19 of this Act.

"(d) Subject to such terms, conditions and classifications as the director may impose, certify inspectors as being qualified to enforce one or more particular specialty

codes, and revoke such certifications in the manner provided in section 19 of this Act.

"(2) The director shall maintain and, upon request of municipalities, furnish information on applicants for appointment or employment as building officials or inspectors.

"(3) Pursuant to ORS chapter 183, the director shall adopt rules necessary to carry out the certification programs provided by this section.

"Section 15. (1) Upon application, the director or his authorized representative shall examine and evaluate any program or facility established by a municipality or educational institution for the training of building officials and inspectors.

"(2) If the director finds that a training program is qualified under the minimum requirements established pursuant to section 14 of this Act, the director shall, in writing, certify the training program as being qualified for such a period of time and upon such conditions as the director may prescribe. An individual complies with any minimum requirement for building officials or inspectors established pursuant to section 14 of this Act when he satisfactorily completes a training program certified under this section.

"Section 16. After July 1, 1977, no person shall be appointed or employed as a building official or inspector by any municipality unless he has been certified as being

qualified under the provisions of sections 13 to 19 of this Act, and the certification has not lapsed or been revoked.

"Section 17. The certification of any building official or inspector who does not serve in such capacity for a period of time in excess of three consecutive months, unless he is on a leave of absence from a municipality and intends to return to his position upon the conclusion of such leave, shall be considered lapsed. Upon reemployment as a building official or inspector, a person whose certification has lapsed may apply for certification in the manner provided in section 18 of this Act.

"Section 18. (1) Any person desiring to be certified as a building official or inspector pursuant to sections 13 to 19 of this Act shall make application to the director upon such forms as the director may prescribe for such purpose.

"(2) Each person applying for certification pursuant to this section shall pay a fee of \$20. If for any reason the application is withdrawn, or the certification is not granted, one-half of the application fee shall be refunded to the applicant.

"(3) Upon determining that the applicant is qualified under the provisions of sections 13 to 19 of this Act, the director shall issue or cause to be issued to the applicant

a certificate setting forth the class and any restrictions upon his certification, including, if he is an inspector, the particular specialty codes which he is certified to enforce."

Delete page 8.

On page 9, delete lines 1 through 18.

In line 19, delete "12" and insert "19".

In line 23, after the period insert "In any revocation proceeding under this section, the municipality that employs the building official or inspector shall be entitled to appear as a party in interest, either for or against the revocation."

In line 27, delete "13" and insert "20" and in the same line delete "state building code".

In line 29, delete "municipality" and insert "municipalities".

On page 10, delete lines 11 through 19 and insert:

"Section 21. (1) Any person who desires to use or furnish any material, design or method of construction or installation in the state, or any building official, may request the director to issue a ruling with respect to the acceptability of any material, design or method of construction about which there is a question under any provision of the state building code. Requests shall be in writing and, if made by anyone other than a building official, shall be made and the ruling issued prior to the use or

attempted use of such questioned material, design or method.

"(2) In making rulings, the director shall obtain the approval of the appropriate advisory board as to technical and scientific facts and shall consider the standards and interpretations published by the body that promulgated any nationally recognized model code adopted as a specialty code of this state.

"(3) A copy of the ruling issued by the director shall be certified to the person making the request. Additional copies shall be transmitted to all building officials in the state. The director shall keep a permanent record of all such rulings, and shall furnish copies thereof to any interested person upon payment of such fees as the director may prescribe.

"(4) A building official or inspector shall approve the use of any material, design or method of construction approved by the director pursuant to this section if the requirements of all other local ordinances are satisfied.

"Section 22. Any person aggrieved by the final decision of a municipal appeals board or a subordinate officer of the department as to the application of any provision of a specialty code may, within 30 days after the date of the decision, appeal to the appropriate advisory board. The appellant shall submit a fee of \$20, payable to the director, with his request for appeal. The final decision of the

involved municipality or state officer shall be subject to review and final determination by the appropriate advisory board as to technical and scientific determinations related to the application of the specialty code involved."

In line 20, delete "15" and insert "23".

Delete lines 25 through 34 and insert:

"Section 24. (1) A person shall not:

"(a) Violate or procure, aid or abet in the violation of any final order concerning the application of a provision of the state building code in a particular case made by the director, an advisory board, a state administrative officer or any local appeals board, building official or inspector.

"(b) Engage in or procure, aid or abet any other person to engage in any conduct or activity for which a permit, certificate, label or other formal authorization is required by any specialty code or other regulation promulgated pursuant to sections 1 to 29 of this Act without first having obtained such permit, certificate, label or other formal authorization.

"(2) Violation of subsection (1) of this section is a Class B misdemeanor. In the case of a continuing violation, every day's continuance of the violation is a separate offense."

On page 11, delete lines 1 through 19.

In line 20, delete "18" and insert "25".

In line 22, delete "22" and insert "29".

Delete lines 26 through 34 and insert:

"(2) Permit surcharges shall be collected by each municipality and remitted to the administrator. Each municipality having a population greater than 40,000 shall, on a monthly basis, prepare and submit to the administrator a report of permits and certificates issued in each class or category and fees and surcharges thereon collected during the month, together with other statistical information as required by the director concerning construction activity regulated by the parts of the state building code administered by the municipality. All other municipalities shall submit such a report on a quarterly basis. The report, which shall be in a form prescribed by the director, shall be submitted, together with a remittance covering the surcharges collected, by no later than the 15th day following the month or quarter in which the surcharges are collected.

"(3) All surcharges and other fees prescribed by sections 1 to 29 of this Act and payable to the department, except fees received under subsection (4) of section 12 of this Act, shall be deposited by the director in the State Treasury for credit to the Building Code Account created by section 38 of this Act."

On page 12, delete lines 1 through 5.

In line 6, delete "19" and insert "26".

In line 8, after "law" insert "under ORS 183.355" and in the same line delete "20" and insert "27".

In line 10, delete "20" and insert "27 of this Act" and in the same line after the second "the" insert "state building".

In line 12, delete "20" and insert "27".

After line 19, insert:

"(A) 'Code' means the requirements, standards, rules and regulations set forth in this section."

In line 20, delete "(A)" and insert "(B)".

In line 22, delete "(B)" and insert "(C)".

On page 14, line 14, delete "21" and insert "28".

In line 15, delete "22" and insert "29".

In line 21, delete "22" and insert "29".

In line 23, delete "22" and insert "29".

In line 27, delete "23" and insert "30".

In line 30, delete "34" and insert "38".

In line 31, delete "22" and insert "29".

Delete lines 32 through 34.

On page 15, delete lines 1 through 21.

In line 22, delete "25" and insert "31" and in the same line after "447.080" insert ", as amended by section 228, chapter ___, Oregon Laws 1973 (Enrolled Senate Bill 77)".

In line 25, delete ", or sewage cesspool work,".

In line 29, delete "or sewage cesspool work".

In line 30, after the period delete the rest of the line.

Delete lines 31 through 33.

On page 16, line 1, delete "27" and insert "32".

After line 14, insert:

"Section 33. ORS 479.155 is amended to read:

"479.155. (1) As used in this section:

"(a) 'Director' means the Director of Commerce.

"(b) 'Administrator' means the state building code administrator appointed pursuant to subsection (1) of section 10 of this 1973 Act.

"~~[(1)]~~ (2) Prior to construction or alteration of a hospital, public building as defined in paragraph (i) of subsection (1) of ORS 479.010, public garage, dry cleaning establishment, apartment house, hotel, bulk oil storage plant, school, institution as defined in ORS 479.210, or any other building or structure regulated by the State Fire Marshal for use and occupancy or requiring approval by the State Fire Marshal pursuant to statute, the owner shall submit to the [State Fire Marshal] administrator two copies of a plan or sketch showing the location of the building or structure with relation to the premises, distances, lengths and details of construction as the [State Fire Marshal] director shall require. Such filing shall not be required with respect to any such building or structure in any area exempted by order of the State Fire Marshal pursuant to ORS 476.030. Approval of such plans by the administrator shall be considered approval by the State Fire Marshal, and shall satisfy any statutory provision requiring approval by the State Fire Marshal.

"[(2)] (3) A declaration of the value of the proposed construction or alteration and the appropriate fee required under section 3 of this 1973 Act shall accompany the plan or sketch.

However, the determination of value or valuation [under any of the provisions of this code] shall be made by the [State Fire Marshal or deputy state fire marshal] director or his authorized assistant.

"[(3) A plan examination fee shall be paid to the State Fire Marshal as follows:]

[TOTAL VALUATION]	[FEE]
[Less than \$20.....]	[No Fee]
[\$20, to and including \$100.....]	[\$.50]
[More than \$100, to and including \$400.....]	[.75]
[More than \$400, to and including \$700.....]	[1.25]
[More than \$700, to and including \$1,000.....]	[1.50]
[Each additional \$1,000 or fraction, to and including \$25,000.....]	[.75]
[Each additional \$1,000 or fraction, to and including \$50,000.....]	[.60]
[Each additional \$1,000 or fraction, to and including \$100,000.....]	[.40]
[Each additional \$1,000 or fraction, more than \$100,000.....]	[.25]

"(4) The [State Fire Marshal] administrator or his staff shall be furnished with not less than two accurate copies of

the plan or sketch and details for the purpose of ascertaining compliance with applicable fire prevention and protection statutes and regulations. The plan examiner shall indicate on the plan or sketch and in writing his approval or disapproval and conditions for approval of the construction or alteration. One copy of the plan or sketch shall be retained by the [State Fire Marshal] administrator and one copy shall be returned to the applicant. No building or structure referred to in subsection (2) of this section shall be erected or constructed without approval by the [State Fire Marshal or his deputy] administrator if the building or structure requires approval by the State Fire Marshal. After such approval or issuance of the required permit, construction or alteration shall comply with the plan or sketch in all respects unless modified by subsequent permit or order of the [State Fire Marshal] director or his authorized assistant.

"(5) The approval of a plan or sketch shall not be construed to be a permit for, or an approval of, any violation of any statute or regulation or the applicable ordinances and regulations of any governmental subdivision of the state. The approval of the plan or sketch shall not be construed as an approval for noncompliance with fire marshal regulations. Any condition upon approval or disapproval shall be deemed an order subject to appeal as other orders are appealable.

"Section 34. If House Bill 2285 (1973 Regular Session) becomes law, section 8, chapter _____, Oregon Laws 1973 (Enrolled House Bill 2285), amending ORS 479.155, is repealed."

In line 15, delete "28" and insert "35".

On page 17, line 10, delete "municipality" and insert "city or county".

In line 21, delete "of a municipality".

On page 18, line 5, delete "29" and insert "36".

In line 30, restore "cities" and in the same line delete "municipalities" and insert "and counties".

On page 19, line 17, delete "30" and insert "37".

On page 20, line 2, delete "municipalities" and insert "cities and counties".

Delete lines 13 through 19.

In line 20, delete "34" and insert "38".

In line 23, after "director" insert "of Commerce".

In line 25, after "under" insert "sections 1 to 29 of this Act,".

In line 28, delete "35" and insert "39".

In line 33, delete "34" and insert "38".

In line 34, ^{after "Act" insert "of" and delete the rest of the line} delete ~~"in the General Fund"~~.

On page 21, line 4, delete "36" and insert "40".

In line 8, delete "34" and insert "38" and in the same line delete "in the General Fund".

In line 9, delete "37" and insert "41".

In line 15, delete "34" and insert "38".

In line 20, delete "38" and insert "42".

In line 25, delete "34" and insert "38".

In line 27, delete "39" and insert "43" and in the same line delete "40" and insert "44".

In line 29, delete "40" and insert "44" and in the same line delete "by" and insert "under".

In line 33, delete "34" and insert "38".

Delete line 34.

On page 22, delete lines 1 and 2.

In line 3, delete "(2)" and insert "Section 45. (1)".

In line 5, delete "June 30, 1973," and insert "the effective date of this Act".

In line 6, delete "34" and insert "38".

In line 7, delete "(3)" and insert "(2)".

In line 8, delete "June 30, 1973," and insert "the effective date of this Act".

In line 9, delete "34" and insert "38".

After line 10, insert:

"Section 46. (1) ORS 447.110 ^{and} 447.120 ~~and 447.130~~, as amended by Senate Bill 77 (1973 regular session) ^{and ORS 447.030}, are repealed.

"(2) Notwithstanding subsection (1) of this section, the provisions of ORS 447.110 ^{and} 447.120 ~~and 447.130~~, as amended by Senate Bill 77 (1973 regular session) ^{and ORS 447.130}, and regulations adopted pursuant thereto shall continue in effect as regulations until superseded, amended or repealed by a plumbing specialty code adopted by the Director of Commerce pursuant to sections 1 to 29 of this Act.

"Section 47. If Senate Bill 827 (1973 Regular Session) becomes law, section 39 of this Act is repealed and ORS 460.175, as amended by section 17, chapter ____, Oregon Laws 1973 (Enrolled Senate Bill 827), is amended to read:

"460.175. All receipts from fees, charges, costs, expenses and fines provided for in ORS 460.005 to 460.175 shall be collected by the department and paid to the State Treasurer on the first day of each month and credited by the State Treasurer to the [Elevator Regulation] Building Code Account [hereby] created [in the General Fund] by section 38 of this 1973 Act. [The moneys in the Elevator Regulation Account, as may be necessary for paying the expenses for administering and enforcing ORS 460.005 to 460.175, are hereby continuously appropriated for that purpose].

"Section 48. If Senate Bill 827 (1973 regular session) becomes law, section 41 of this Act is repealed and ORS 479.850, as amended by section 18, chapter ____, Oregon Laws 1973 (Enrolled Senate Bill 827), is amended to read:

"479.850. All receipts from fees, charges, costs, expenses and fines provided for in ORS 446.175, 479.510 to 479.850 and 479.990 when collected shall be paid into the General Fund on the first day of each month and credited to the [Regulation] Building Code Account created [hereby] by section 38 of this 1973 Act. [The money in the Regulation Account that is necessary for paying the expenses of administering and enforcing ORS 446.175, 479.510 to 479.850 and 479.990 is hereby continuously appropriated for that purpose.]".

In line 11, delete "42" and insert "49".

Committee Report Review - Engrossed and Enrolled Bills Unit

Date 6-21-73

We have examined the report of the House Committee on STATE AND FEDERAL AFFAIRS,
dated 6-21-73, on measure Re-Eng. SB 73, and,
pursuant to House Rule 8.20(2), attest that the measure in the form reported out is accurate in form and style
according to the **Form and Style Manual for Legislative Measures.**

Virginia Mack

For Engrossed and Enrolled Bills Unit

Engrossed-Re-Engrossed SB 73

Authorizes Director of Commerce, with [advice of State Structural Code Advisory Board appointed from involved industries and professions,] approval of appropriate advisory boards to adopt, publish and administer building code regulations covering structural standards and standards for mechanical, heating and ventilating devices and equipment, and for prefabricated structures, except as provided by prior existing law. Establishes procedure for adoption and amendment of codes. Requires director to appoint State Structural Code Advisory Board consisting of representatives of industries and professions involved in development and construction of buildings including representation from certain agencies, associations, trades, industries, local government governing bodies and general public; prescribes duties and functions. Grants director authority to coordinate administration of building codes. Provides for revision or elimination of duplicitous, contradictory or inconsistent rules or standards; requires director to submit report of such rules or standards to Governor and recommendations for elimination of such rules or standards. Provides that state [structural] building code [supersede municipal structural codes and apply statewide effective July 1, 1974,] be applicable and uniform throughout state; prohibits municipalities from enacting or enforcing any ordinance or rule in conflict therewith; provides that Act does not limit authority of municipalities to enact certain regulations. Designates operative dates for designated codes; provides that state structural code be operative July 1, 1974. Provides for building officials, inspectors and other administrative officers, for [department] review and appeal of [local] decisions under building code regulations, and for permit fees and collection procedures therefor. Establishes qualifications; [and] provides for certification of building officials and inspectors; and provides for training programs. Establishes surcharge on permit fees to defray cost of training and other educational programs. [Requires Health Division, rather than State Board of Health, to see that designated provisions regulating plumbing and sewage cesspool work are enforced.] Provides for issuance of ruling with respect to material or construction upon request. Makes other changes. Prohibits certain conduct. Provides penalties. Transfers certain functions of State Fire Marshal to director.

Creates Building Code Account and continuously appropriates moneys in account for designated purposes. Limits designated biennial expenditures from Building Code Account to \$192,898. Provides for collection of certain fees by Department of Commerce. Provides for transfer of certain fees and moneys to Building Code Account. [Operative after June 30, 1973.] Resolves conflicts.

Declares emergency.

RE-ENGROSSED

Senate Bill 73

Ordered by the Senate May 14
(Including Amendments by Senate March 16 and May 14)

Sponsored by Senator GROENER, Representatives ELLIOTT, MARTIN

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.

Authorizes Director of Commerce, with advice of State Structural Code Advisory Board appointed from involved industries and professions, to adopt, publish and administer building code regulations covering structural standards and standards for mechanical, heating and ventilating devices and equipment, and for prefabricated structures, except as provided by prior existing law. Grants director authority to coordinate administration of building codes. Provides that state structural code supersede municipal structural codes and apply state-wide effective July 1, 1974. Provides for building officials, inspectors and other administrative officers, for department review of local decisions under building code regulations; and for permit fees. Establishes qualifications and provides for certification of building officials and inspectors. **Requires Health Division, rather than State Board of Health, to see that designated provisions regulating plumbing and sewage cesspool work are enforced.** Makes other changes. [*Appropriates \$100,000 from General Fund to Department of Commerce for specified biennial expenditure.*] **Limits designated biennial expenditures from Building Code Account to \$192,898.** Provides penalties.

Creates Building Code Account and continuously appropriates moneys in account for designated purposes. Provides for collection of certain fees by Department of Commerce. Provides for transfer of certain fees and moneys to Building Code Account. Operative after June 30, 1973.

Declares emergency.

NOTE: Matter in bold face in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted; complete new sections begin with **SECTION**.

A BILL FOR AN ACT

1
2 Relating to property, including but not limited to the regulation of build-
3 ing construction and the installation of devices and equipment; creating
4 new provisions; amending ORS 447.020, 447.080, 460.175, 460.370, 476.080,
5 479.530, 479.540, 479.820, 479.850 and 480.610; appropriating money; limit-
6 ing expenditures; providing penalties; and declaring an emergency.

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

8 **SECTION 1.** As used in sections 1 to 22 of this Act, unless the context
9 requires otherwise:

- 10 (1) "Administrator" means the state building code administrator.
11 (2) "Advisory board" means the State Structural Code Advisory Board.
12 (3) "Director" means the Director of Commerce.
13 (4) "Municipality" means a city, county or other agency of local gov-
14 ernment otherwise authorized by law to enact a building code.
15 (5) "Prefabricated structure" means a building or structural unit
16 which has been in whole or substantial part manufactured at an off-
17 site location to be wholly or partially assembled on site, and shall not in-
18 clude a mobile home.
19 (6) "Specialty codes" shall include the codes that now exist and are
20 provided by ORS chapters 446, 447, 460, 476, 479 and 480.
21 (7) "State building code" means the combined specialty codes or any
22 amendments thereof promulgated or administered by the director.
23 (8) "Structural code" means rules and regulations governing structural
24 standards for building construction or amendments thereof promulgated or
25 administered by the director.

26 **SECTION 2.** (1) Sections 1 to 22 of this Act are enacted to enable the
27 Director of Commerce to promulgate and administer a state building code
28 to govern the construction, reconstruction, alteration and repair of build-
29 ings and other structures and the installation of mechanical devices and
30 equipment therein to prescribe and provide for the administration and
31 amendment of the state code of building construction, which will establish
32 basic and uniform performance standards providing reasonable safeguards
33 for health, safety, welfare, comfort and security of the residents of this
34 state who are occupants and users of buildings, and will provide for the

1 use of modern methods, devices, materials, techniques and maximum energy
2 conservation.

3 (2) The regulations adopted pursuant to sections 1 to 22 of this Act
4 shall include structural standards; standards for the installation and use of
5 mechanical, heating and ventilating devices and equipment; and standards
6 for prefabricated structures except mobile homes; and shall, subject to sec-
7 tion 2a of this Act, prescribe reasonable fees for the issuance of building
8 permits and similar documents.

9 (3) Nothing in sections 1 to 22 of this 1973 Act, however, shall be con-
10 strued as derogating in any respect from the statutory jurisdiction and
11 authority of the Workmen's Compensation Board, under ORS chapter 654,
12 to promulgate occupational safety and health standards relating to places
13 of employment, and to administer and enforce all state laws, regulations,
14 rules, standards and lawful orders requiring places of employment to be
15 safe and healthful.

16 SECTION 2a. (1) Fees shall be prescribed as required by section 2
17 of this Act for permits for the construction, reconstruction, alteration and
18 repair of prefabricated structures, buildings and other structures and the
19 installation of mechanical heating and ventilating devices and equipment.
20 The fees shall be based on the total valuation of the proposed structure
21 or installation, shall not exceed the maximum fees set out in the following
22 schedule and shall not be effective until approved by the Executive Depart-
23 ment.

25 TOTAL VALUATION	MAXIMUM FEE
26 \$1 to \$500	\$5
27 \$501 to \$2,000	\$5 for the first \$500 plus \$1 for each additional \$100 or fraction thereof, to and including \$2,000
28 \$2,001 to \$25,000	\$20 for the first \$2,000 plus \$3 for each additional thousand or fraction thereof, to and including \$25,000
29 \$25,001 to \$50,000	\$89 for the first \$25,000 plus \$2.50 for each additional thousand or fraction thereof, to and including \$50,000
30	
31 \$50,001 to \$100,000	\$151.50 for the first \$50,000 plus \$1.50 for each additional thousand or fraction thereof, to and including \$100,000
32	
33 \$100,001 and up	\$226.50 for the first \$100,000 plus \$1 for each additional thousand or fraction thereof.

1 (2) The fee for checking plans and specifications submitted to the
2 administrator under section 13 of this Act shall be the same as the fee
3 prescribed for a permit under subsection (1) of this section. However, if
4 the valuation of the proposed structure or installation exceeds \$1,000, the
5 fee shall be one-half the amount of the permit fee.

6 **SECTION 3.** Except as otherwise provided by ORS chapters 446, 447,
7 460, 476, 479 and 480:

8 (1) The director shall coordinate and generally supervise the adoption,
9 administration and enforcement of the state building code.

10 (2) The director with the advice of the State Structural Code Advisory
11 Board shall prepare and publish codes of regulations as authorized by
12 section 2 of this Act providing standards for the construction, reconstruc-
13 tion, alteration and repair of buildings and other structures and the in-
14 stallation of mechanical devices and equipment therein, governing matters
15 of materials, design and construction, fire protection, health, sanitation,
16 safety and maximum energy conservation.

17 (3) The director with the advice of the State Structural Code Ad-
18 visory Board may amend any such code from time to time. The codes
19 of regulations and any amendment thereof shall conform in so far
20 as practicable to model building codes generally accepted and in use
21 throughout the United States. In the preparation of the codes considera-
22 tion shall be given to the existing specialty codes presently in use in the
23 State of Oregon. Such model codes with modifications considered neces-
24 sary and specialty codes may be adopted by reference. The codes so
25 promulgated and any amendments thereof shall be based on the applica-
26 tion of scientific principles, approved tests and professional judgment and,
27 to the extent that it is practical to do so, the codes shall be promulgated
28 in terms of desired results instead of the means of achieving such results,
29 avoiding wherever possible the incorporation of specifications of particular
30 methods or materials. To that end the codes shall encourage the use of
31 new methods, new materials and maximum energy conservation.

32 **SECTION 4.** (1) Effective July 1, 1974, the state structural code shall
33 apply state-wide and supersede and take the place of the structural code
34 of any municipality.

1 (2) Other specialty codes adopted by the director pursuant to sections
2 1 to 22 of this Act shall apply state-wide and shall, on the effective date
3 provided by each such code, supersede and take the place of any similar
4 specialty code of a municipality.

5 **SECTION 5.** (1) The director shall appoint a State Structural Code
6 Advisory Board which shall serve in an advisory capacity to the director
7 in promulgating the structural codes authorized by sections 1 to 22 of this
8 Act, and amendments thereto, and in reviewing decisions made by
9 municipalities appealed to the director under section 14 of this Act. The
10 director may appoint additional advisory boards to carry out the intent
11 of sections 1 to 22 of this Act.

12 (2) The board shall consist of the number of members fixed pursuant
13 to ORS 670.340. The assistant to the administrator shall serve as secretary
14 of the board but shall not be a member thereof. Each member shall be
15 appointed to serve a four-year term, commencing July 1 of the year of
16 appointment, and until his successor is appointed and qualified. The mem-
17 bership shall be broadly representative of the industries and professions
18 involved in the development and construction of buildings including rep-
19 resentation from building code enforcement agencies, architectural and
20 engineering associations, building construction trades, the contracting and
21 manufacturing industries, governing bodies of local government, fire pro-
22 tection agencies and the general public.

23 (3) The board shall elect its own chairman, adopt rules for its pro-
24 cedure and meet on call of the chairman or majority of the members. A
25 majority of the members shall constitute a quorum to do business. The
26 director shall provide administrative facilities and services for the board.

27 (4) Members of the board shall be entitled to compensation and ex-
28 penses as provided by ORS 292.495.

29 **SECTION 6.** Notwithstanding subsection (2) of section 5 of this Act,
30 of the members initially appointed to serve on the State Structural Code
31 Advisory Board approximately one-half shall be appointed for terms of
32 two years and the others to serve for terms of four years.

33 **SECTION 7.** (1) Except as otherwise provided by this section, the di-
34 rector shall be subject to ORS 183.310 to 183.500 in the adoption, amend-

1 ment or repeal of regulations authorized by, and in the issuance of orders
2 in contested cases arising under, sections 1 to 22 of this Act.

3 (2) In addition to the notice requirements of ORS 183.335, notice of a
4 public hearing on adoption, amendment or repeal of a regulation auth-
5 orized by sections 1 to 22 of this Act shall be given to the governing
6 bodies of all municipalities and the notice shall state that copies of the
7 proposed action may be obtained at the office of the Department of
8 Commerce.

9 (3) The director shall not be required to publish or distribute those
10 parts of a code of regulations adopted by reference. However, the di-
11 rector shall publish with a specialty code and annually thereafter a list
12 of places where copies of those parts of the code adopted by reference
13 may be obtained together with the approximate cost thereof. The director
14 shall file one copy of the complete code with the Secretary of State.
15 However, all standards referred to in any specialty code or any of the
16 modifications thereto need not be so filed. All standards referred to in
17 the code shall be kept on file and available for inspection in the office of
18 the director.

19 (4) Any interested person may propose amendments to the regula-
20 tions authorized by sections 1 to 22 of this Act, which proposed amend-
21 ments may be either applicable to all municipalities or, where it is al-
22 leged and established that conditions exist within a municipality which
23 are not generally found within other municipalities, amendments may be
24 restricted in application to such municipality. The director shall approve
25 any proposed amendments which he finds at least as restrictive as the
26 regulations authorized by sections 1 to 22 of this Act and, in conformity
27 with the policy and purpose prescribed by section 2 of this Act and
28 justified under the particular circumstances involved. Upon adoption, a
29 copy of each amendment shall be distributed to the governing bodies of all
30 municipalities affected thereby.

31 (5) With the approval of the director, the assistant to the adminis-
32 trator shall from time to time make or cause to be made investigations,
33 or may accept authenticated reports from authoritative sources, concern-
34 ing new materials or modes of construction intended for use in the con-

1 struction of buildings or structures, and shall propose amendments to the
2 code setting forth the conditions under which the materials or modes
3 may be used, in accordance with the standards and procedures of sections
4 1 to 22 of this Act.

5 **SECTION 8.** (1) The director, with the approval of the Governor,
6 shall appoint a state building code administrator who shall have general
7 supervision over the administration of the state building code regulations
8 that are the general responsibility of the director including the plumbing,
9 elevator, electrical, mobile home, boiler, amusement ride, structural; me-
10 chanical, heating and ventilating; and prefabricated structures codes. The
11 administrator shall serve at the pleasure of the director and shall be in
12 the unclassified service of the state. He shall perform such other duties as
13 the director may assign.

14 (2) The administrator, with the approval of the director, shall appoint
15 an assistant who shall be responsible for the administration of the struc-
16 tural code. The assistant shall be competent in the field of administration
17 and shall have had such previous experience in building design, construc-
18 tion and supervision as the director considers necessary. The assistant may,
19 with the approval of the director, employ inspectors and other personnel
20 as necessary to carry out his function under sections 1 to 22 of this Act.
21 He shall perform such other duties in administering the code as the director
22 may assign.

23 **SECTION 9.** By April 1, 1974, the department shall distribute without
24 charge one copy of the structural code to each municipality within the
25 state. The distribution shall not include any parts of the code adopted by
26 reference. Additional copies shall be made available to municipalities and
27 interested parties for such fee as the director shall prescribe.

28 **SECTION 10.** (1) By April 1, 1974, the governing body of each mu-
29 nicipality shall, unless other means are already provided, appoint a person
30 to administer the state building code who shall be known as building
31 official. A building official shall, in the municipality for which appointed,
32 attend to all aspects of code enforcement, including the issuance of all
33 building permits. Two or more municipalities may combine in the appoint-

1 ment of a single building official for the purpose of administering the
2 provisions of the code within their communities.

3 (2) In those municipalities for which no building officials have been
4 appointed by the designated date, the state administrator with the approval
5 of the director may appoint building officials to serve the municipalities
6 until such time as the municipalities make an appointment. If the ad-
7 ministrator is unable to make such appointment, he may use such state
8 employes or state agencies as are necessary to perform the duties of the
9 building official. All costs incurred by virtue of an appointment by the
10 administrator or services rendered by state employes shall be borne by
11 the involved municipality. Receipts arising therefrom shall be paid into
12 the State Treasury and credited to the General Fund.

13 **SECTION 11.** (1) (a) A building official, to be eligible for appoint-
14 ment, shall have had such experience in design, construction and supervision
15 as the director considers necessary and shall further be generally informed
16 on the quality and strength of building materials, accepted building con-
17 struction requirements and the nature of equipment and needs conducive
18 to the safety, comfort and convenience of building occupants.

19 (b) A specialty code inspector to be eligible for appointment shall, to
20 the extent the director considers necessary to the enforcement of the par-
21 ticular specialty code, be experienced in design, construction and super-
22 vision and shall be informed on the quality and strength of building ma-
23 terials, accepted building construction requirements and the nature of
24 equipment and needs conducive to the safety, comfort and convenience of
25 building occupants.

26 (2) Building officials and specialty code inspectors shall be certified
27 as provided by this section, except that the qualifications outlined in sub-
28 section (1) of this section are not mandatory until July 1, 1977, regarding
29 any building official or inspector engaged in the administration of a build-
30 ing code for a municipality on the effective date of this Act and continuing
31 such function through July 1, 1974.

32 (3) The director shall either:

33 (a) Prepare and conduct oral, written and practical examinations to

1 determine if a person is qualified pursuant to subsection (1) of this
2 section to be a building official or inspector; or

3 (b) Accept documentation of successful completion of programs of
4 training developed by public agencies, as proof of qualification required
5 by subsection (1) of this section.

6 (4) Upon a determination of qualification under either paragraph (a)
7 or (b) of subsection (3) of this section, the director shall issue or cause
8 to be issued a certificate to the building official or inspector stating that
9 he is so certified. Each person applying for examination and certification
10 pursuant to this section shall pay a fee of \$20. The director or his designee
11 shall establish classes of certification that will recognize the varying com-
12 plexities of code enforcement in the municipalities within the state. Except
13 as provided by subsection (2) of this section, no person shall act as a
14 building official or inspector for any municipality unless the director deter-
15 mines that he is so qualified. The director shall prepare and conduct edu-
16 cational programs designed to train and assist building officials and
17 inspectors in carrying out their responsibilities and may institute any such
18 program after July 1, 1974.

19 **SECTION 12.** (1) The director may, upon notice and hearing, re-
20 voke the certification of any building official or inspector when it appears
21 to him by competent evidence that the building official or inspector has
22 consistently failed to act in the public interest in the performance of his
23 duties.

24 (2) Nothing in this section shall be construed to limit or otherwise
25 affect the authority of a municipality to dismiss or suspend a building offi-
26 cial or inspector at its discretion.

27 **SECTION 13.** The state building code administrator may, upon an
28 application setting forth a set of plans and specifications that will be
29 utilized in one or more municipality to acquire building permits, review
30 and approve the application for the construction or erection of any building
31 or structure if such set of plans meets the requirements of the state building
32 code. All costs incurred by the administrator by virtue of the examination
33 of such a set of plans and specifications shall be paid by the applicant.
34 The plans and specifications or any plans and specifications required to

1 be submitted to a state agency shall be submitted to the administrator
2 who shall examine the instruments and if necessary distribute them to the
3 appropriate state agencies for scrutiny regarding adequacy as to fire
4 safety and all other appropriate features. The state agencies shall examine
5 and promptly return the plans and specifications together with their
6 certified statement as to the adequacy of the instruments regarding that
7 agency's area of concern. Any building official shall issue a building per-
8 mit upon application and presentation to him of such a set of plans and
9 specifications bearing the approval of the administrator if the require-
10 ments of all other local ordinances are satisfied.

11 **SECTION 14.** After municipal appeals procedures have been exhausted,
12 any person aggrieved by the final decision of any municipality as to
13 the application of the structural and other specialty codes authorized
14 by sections 1 to 22 of this Act may, within 30 days after the date of
15 the decision, appeal to the director. Appellant shall submit a fee of
16 \$20, payable to the director, with his request for appeal. The final
17 decision of the involved municipality shall be subject to review de novo
18 by the director, or his designated representative, assisted by the recom-
19 mendations of the advisory board as to technical and scientific facts.

20 **SECTION 15.** Building permits or certificates of occupancy validly
21 issued before July 1, 1974, regarding buildings or structures being con-
22 structed or altered pursuant thereto, shall be valid thereafter and the
23 construction may be completed pursuant to the building permit, unless
24 the building official determines that life or property is in jeopardy.

25 **SECTION 16.** The director shall prescribe a uniform form for building
26 permit applications, building permits and certificates of occupancy to
27 be used by all building officials in the administration and the enforcement
28 of the state building code. One copy of each application filed, and of each
29 permit and certificate issued, shall be forwarded at regular intervals to
30 the department, to be used by the director and others in planning the
31 activities of the department and in the preparation of reports required
32 of the department, its divisions or officers.

33 **SECTION 17. (1)** In addition to all other penalties provided by law,
34 a person who violates or who procures, aids or abets in the violation of

1 sections 1 to 22 of this Act or any order, rule, regulation or decision of the
2 director shall forfeit and pay to the General Fund of the State Treasury a
3 civil penalty in an amount to be determined by the director of not more
4 than \$1,000 for each violation, or \$10,000 in the aggregate for all such viola-
5 tions within any three-month period.

6 (2) In the case of a continuing violation, every day's continuance of
7 the violation is a separate violation.

8 (3) In addition to the civil penalty set forth in subsection (1) of this
9 section, a person who violates or who procures, aids or abets in the violation
10 of sections 1 to 22 of this Act or any order, rule, regulation or decision of
11 the director shall incur a penalty in an amount to be determined by the
12 director without limitation as to amount except it shall not exceed the
13 amount by which such person and those acting with such person in the
14 violation profited by the act or acts of commission or omission found to
15 be a violation under this subsection.

16 (4) If the amount of the penalty provided by subsections (1) and (3)
17 of this section is not paid to the director, the Attorney General shall bring
18 an action in the name of the State of Oregon in the Circuit Court for Marion
19 County to recover such penalty.

20 **SECTION 18.** (1) For the purpose of defraying the costs of training
21 and other educational programs administered by the department under
22 sections 1 to 22 of this Act there is hereby imposed a surcharge in the
23 amount of one percent of the total building permit fees collected by a
24 municipality in connection with the construction of, or addition or altera-
25 tion to, buildings and equipment or appurtenances on and after July 1, 1973.

26 (2) Permit surcharges shall be collected by each municipality and
27 remitted to the state. Each municipality having a population greater
28 than 40,000 people shall, on a monthly basis, prepare and submit to the
29 director a report of fees and surcharges thereon collected during the pre-
30 vious month. All other municipalities shall submit a report of fees and
31 surcharges thereon on a quarterly basis. The report, which shall be in a
32 form prescribed by the director, shall be submitted, together with a
33 remittance covering the surcharges collected, by no later than the 15th
34 day following the month or quarter in which the surcharges are collected.

1 All surcharges and other fees prescribed by sections 1 to 22 of this Act,
2 which are payable to the state, except receipts referred to by subsection
3 (2) of section 10 of this Act, shall be paid to the director who shall de-
4 posit such funds in the State Treasury for credit to the Building Code
5 Account created by section 34 of this Act.

6 **SECTION 19.** On the effective date on which regulations promulgated
7 by the director regarding prefabricated structures are given the force
8 and effect of law, this section and section 20 of this Act shall expire and
9 have no force and effect. Until such time as the director adopts such
10 regulations, the rules set forth in section 20 shall be a part of the code
11 and govern the regulation of prefabricated structures.

12 **SECTION 20.** (1) Rule 1. General.

13 (a) Purpose. The purpose of these rules is to regulate materials and
14 establish methods of safe construction where any structure or portion
15 thereof is wholly or partially prefabricated.

16 (b) Scope. Unless otherwise specifically stated, all prefabricated con-
17 struction and all materials used therein shall conform to all requirements
18 of this code, except as otherwise noted.

19 (c) Definitions.

20 (A) "Prefabricated structure" has the meaning given that term by
21 section 1 of this Act.

22 (B) "Installation" means the assembly of a prefabricated structure on
23 site, and the process of affixing the structure to land, a foundation, footings
24 or an existing building.

25 (2) Rule 2. Tests and materials. Every approval of a material not
26 specifically mentioned in this code may incorporate as a proviso the kind
27 and number of tests to be made during prefabrication.

28 (3) Rule 3. Tests of assemblies. The state building code administra-
29 tor may require special tests to be made on prefabricated structures to
30 determine their durability and weather resistance.

31 (4) Rule 4. Connections. Every device designed to connect prefabri-
32 cated assemblies shall be capable of developing the strength of the mem-
33 bers connected, except in the case of members forming part of structural

1 frame designed as specified in other parts of the code. The connection
2 device shall be designed as required by the other parts of the code.

3 (5) Rule 5. Pipes and conduits. In structural design, due allowances
4 shall be made for any material to be removed for the installation of pipes,
5 conduits or other equipment or for on-site inspection.

6 (6) Rule 6. Certificate and inspection of materials and manufacture.

7 (a) Before any material is delivered to the site, the manufacturer shall
8 submit complete details, drawings and specifications of the assembly for
9 the approval of the state building code administrator. No prefabricated
10 structure shall be sold, offered for sale or installed in the state and no
11 permit shall be issued with respect to a building consisting in whole or
12 part of a prefabricated structure unless the materials therein and manu-
13 facture thereof have been certified by the administrator to be in com-
14 pliance with the code. The administrator shall make such inspections
15 as necessary to insure compliance and may send inspectors into other
16 states to inspect the manufacture of prefabricated structures to be sold,
17 offered for sale or installed in the State of Oregon. All costs incurred by the
18 administrator by virtue of the inspection of materials and manufacture
19 shall be paid by the involved manufacturer. Following inspection and pay-
20 ment by the manufacturer of the costs arising therefrom the administrator
21 shall issue a certification with respect to each prefabricated structure con-
22 sidered to be in compliance with the code and a copy of the certificate
23 shall be affixed to the structure or part thereof. The certification by the
24 administrator that a prefabricated structure complies with the code shall
25 be conclusive on all agencies and instrumentalities of the state, its political
26 subdivisions and municipalities. The administrator shall require a certifi-
27 cate from the manufacturer which shall:

28 (A) Identify the manufacturer of the prefabricated structure or com-
29 ponent of the prefabricated structure.

30 (B) Identify, by serial number or otherwise, the particular prefabricat-
31 ed structure or component of the prefabricated structure being certified
32 as in compliance with the code.

33 (C) Certify that the materials used in the manufacture of prefabricated

1 structures or component of the prefabricated structures are in compliance
2 with the code.

3 (b) After certification no changes in or modifications to the pre-
4 fabricated structure or part thereof may be made by the manufacturer
5 without the approval of the administrator.

6 (7) Rule 7. On-site assembly and installation. The installation of pre-
7 fabricated structures shall comply with the provisions of the code and
8 shall be subject to the inspection of the building official of the jurisdiction
9 in which the site is situated.

10 (8) Rule 8. Continuous inspection. If continuous inspection is re-
11 quired for certain materials where construction takes place on site, it
12 shall be required where the same materials are used in prefabricated
13 construction.

14 **SECTION 21.** For the purposes of the codes of regulations adopted
15 under sections 1 to 22 of this Act, unless the context clearly indicates
16 otherwise, the following substitutions shall be made in any code adopted
17 by reference as part of the state building code:

18 (1) "Building official" for "administrative authority."

19 (2) "Governing body" for "mayor" and "city council."

20 (3) "Municipality" for "city."

21 **SECTION 22.** If the director determines that the standards for pre-
22 fabricated structures prescribed by statute, rule or regulation of another
23 state are at least equal to the regulations prescribed under sections 1 to 22
24 of this Act, and that such standards are actually enforced by such other
25 state, he may provide by regulation that prefabricated structures approved
26 by such other state shall be deemed to have been approved by the director.

27 **SECTION 23.** Notwithstanding the provisions of any other law, the sum
28 of \$192,898 is established for the biennium beginning July 1, 1973, as the
29 maximum limit for the payment of expenses out of the Building Code
30 Account in the General Fund, created by section 34 of this Act, for the
31 purpose of carrying out the provisions of sections 1 to 22 of this Act.

32 Section 24. ORS 447.020 is amended to read:

33 447.020. (1) All installations of plumbing and drainage in buildings
34 and structures in this state and all potable water supply, drainage, and

1 waste installations, within or serving buildings or structures, except in
2 temporary construction camps, and except as otherwise provided in ORS
3 447.010 to 447.140, shall be made in accordance with the requirements of
4 ORS 447.010 to 447.140.

5 (2) The [board] **Health Division** is required to see that ORS 447.010 to
6 447.140 and ORS 447.990 are enforced and may in accordance with ORS
7 183.330 adopt, amend or repeal regulations setting minimum standards
8 for sewage cesspool work including septic tanks, disposal fields and dry
9 wells, sewage pumping equipment, tank trucks, identification of tank trucks
10 and workmen, and disposal of septic tank and cesspool sludge.

11 (3) The Director of Commerce shall make regulations for the purpose
12 of setting standards for plumbing and defining compliance with the pro-
13 visions of ORS 447.010 to 447.140 particularly pertaining to installation
14 of piping, protection and adequacy of the water supply, workmanship and
15 materials, traps and cleanouts, domestic hot water storage tanks and de-
16 vices, drinking fountains, approval of devices, equipment and fixtures,
17 hangers and supports, drainage and venting, house drains and house sew-
18 ers, stormwater drains, special wastes, light and ventilation of water
19 closets and bathrooms, and excavation and grading. **Subsection (3) of**
20 **section 3 and subsection (4) of section 7 of this 1973 Act apply to the**
21 **amendment of regulations adopted under this subsection.**

22 Section 25. ORS 447.080 is amended to read:

23 447.080. Nothing in ORS 447.010 to 447.140 prevents any city or county
24 from enacting and enforcing ordinances or building codes for the regu-
25 lation of the business of master plumbing, or sewage cesspool work, or
26 which prescribe the manner in which [*plumbing and*] drainage work shall
27 be installed in such city or county, except that such ordinances or codes
28 shall not prescribe a lower standard of installation of [*plumbing and*]
29 drainage work or sewage cesspool work than that prescribed in ORS
30 447.010 to 447.140. **Regulations adopted pursuant to subsection (3) of**
31 **ORS 447.020 shall supersede and take the place of any city or county ordi-**
32 **nance regulating plumbing.**

33 **Note:** Section 26 was deleted by amendment.

1 Section 27. ORS 476.080 is amended to read:

2 476.080. (1) The State Fire Marshal and his deputies, at all reasonable
3 hours, may enter into all buildings and upon all premises, except private
4 residences, for the purpose of inspection to ascertain if fire hazards exist
5 therein or thereon. **Owners of private residences may request a fire in-**
6 **spection of their property.**

7 (2) No person shall interfere with or prevent any such inspection
8 by such officers.

9 (3) When any person interferes with or prevents the State Fire Marshal
10 or his deputies from making the inspection mentioned herein, the officer
11 shall apply to the district attorney of the county wherein the inspection
12 was made or attempted to be made, for a warrant for the arrest of the
13 offending person, and it shall be the duty of such district attorney forth-
14 with to prosecute such offending person.

15 Section 28. ORS 479.530 is amended to read:

16 479.530. As used in ORS 479.510 to 479.850, unless the context requires
17 otherwise:

18 (1) "Approved testing laboratory" means a testing laboratory making
19 scientific safety tests of electrical products in its plant by testing individual
20 samples, specimens and prototypes thereof, and maintaining an adequate
21 system of follow-up inspections in this state of the class of electrical prod-
22 ucts tested in the laboratory and offered for sale or distributed in this
23 state.

24 (2) "Board" means the Electrical Advisory Board appointed under
25 ORS 479.800.

26 (3) "Certificate of registration" means a certificate issued by the
27 Department of Commerce to a dealer in electrical products showing that
28 the dealer has registered.

29 (4) "Certified electrical product" means:

30 (a) An electrical product listed in the published list of Underwriters
31 Laboratories dated May 19, 1958, and the supplements thereto through
32 December 1958 as an approved electrical product, and which has not been
33 decertified.

1 (b) An electrical product certified by the Department of Commerce
2 under subsection (2) of ORS 479.760 which has not been decertified.

3 (c) A gas using device, with electrical components, listed in the pub-
4 lished list of American Gas Association Laboratories, dated January 1, 1959,
5 as complying with American Standard Requirements and which has not
6 been decertified.

7 (5) "Competent inspection service" means the electrical inspection
8 service of [*an incorporated city with safety standards not lower than those*
9 *required by ORS 479.510 to 479.850 as they apply to the type of electrical*
10 *installation covered by the city ordinance*] a **municipality** .

11 (6) "Electrical installations" include construction, installation, main-
12 tenance and repair of electrical wiring and electrical equipment to be oper-
13 ated thereby, except communication and signal systems of railroad com-
14 panies.

15 (7) "Electrical product" includes any electrical equipment, appliance,
16 material, device or apparatus to convey or be operated by electrical current.

17 (8) "Household appliance label" includes labels for installation of
18 farming irrigation pumps, household appliances and additions to electric
19 wiring in residences.

20 (9) "Label" means a card signed by the Director of Commerce or a
21 **competent inspection service of a municipality** and issued to an
22 electrical contractor or property owner indicating that the electrical
23 installation proposed has been tentatively approved by the [*Director of*
24 *Commerce*] **signer** as meeting the minimum safety standards.

25 (10) "License" means an annual permit issued by the Department of
26 Commerce under ORS 479.630 authorizing the person whose name appears
27 as licensee thereon to act as an electrical contractor, supervising electrician,
28 journeyman or apprentice electrician as indicated thereon.

29 (11) "Minimum safety standards" means safety standards prescribed
30 by the Department of Commerce under ORS 479.730, except as provided in
31 ORS 479.720.

32 (12) "Persons" includes individuals, corporations, associations, firms,
33 partnerships and joint stock companies.

34 (13) "Serving agency" means a person principally engaged in the

1 business of generating or selling electricity in connection with the con-
2 struction or maintenance of electrical lines, wires or equipment.

3 (14) "Uncertified product" includes all electrical products which are
4 not certified.

5 Section 29. ORS 479.540 is amended to read:

6 479.540. (1) No person is required to obtain a license to make an
7 electrical installation on property which is owned by himself or a mem-
8 ber of his immediate family, and not presently intended for sale.

9 (2) No electrical contractor license is required in connection with
10 an electrical installation:

11 (a) Of meters and similar devices by a serving agency for measuring
12 electricity.

13 (b) Of ignition or lighting systems for motor vehicles.

14 (c) To be made by a person on his property in connection with his busi-
15 ness.

16 (d) To be made by a public utility or municipality for generation,
17 transmission or distribution of electricity on property which it owns or
18 manages.

19 (3) No person whose sole business is generating or selling electricity
20 in connection with the construction or maintenance of electrical lines,
21 wires or equipment, is required to obtain a certificate of registration or
22 license to transform, transmit or distribute electricity from its source to
23 the service head of the premises to be supplied thereby.

24 [(4) No label is required for electrical installation made within the
25 limits of an incorporated city maintaining a competent inspection service
26 providing the electrical installation is of a type covered by the city ordi-
27 nance.]

28 [(5)] (4) No certificate of registration is required to sell, dispose of
29 by gift or otherwise any electrical product within the limits of [*incorpo-*
30 *rated cities*] **municipalities** maintaining a competent inspection service and
31 making periodical inspections of electrical stock of dealers in electrical
32 products.

33 [(6)] (5) No certificate of registration or license is required for tem-
34 porary demonstrations.

1 [(7)] (6) The provisions of ORS 479.510 to 479.850 shall not apply to
2 electrical products owned by, supplied to, or to be supplied to public
3 utilities as defined in ORS 757.005, nor to electrical installations made by or
4 for such a public utility where the electrical installations are an integral
5 part of the equipment of such utility.

6 [(8)] (7) No label is required for the repair, alteration or replace-
7 ment of existing electrical equipment of an industrial plant.

8 [(9)] (8) In cases of emergency in industrial plants no label is re-
9 quired in advance for electrical installation made by a person licensed
10 under subsections (2), (4) and (6) of ORS 479.630 if an application accom-
11 panied by appropriate fee for a label is submitted to the Department of
12 Commerce within five days after the commencement of such electrical
13 work.

14 [(10)] (9) No person is required to obtain a license or label to set
15 in place a certified electrical product or make a connection therefrom to
16 services and facilities other than electrical.

17 Section 30. ORS 479.820 is amended to read:

18 479.820. (1) The Department of Commerce shall:

19 (a) Check the authenticity, appropriateness and expiration dates of
20 licenses and certificates of registration issued under ORS 479.510 to 479.850.

21 (b) Inspect electrical installations and products for which a label,
22 license or certificate of registration is required by ORS 479.510 to 479.850.

23 (c) Inspect labels attached to electrical installations or products for
24 which a label is required by ORS 479.510 to 479.850.

25 (2) If the Department of Commerce finds that the electrical installa-
26 tion or product fails to comply with minimum safety standards, it may dis-
27 connect or order the disconnection of service thereto.

28 (3) If the Department of Commerce finds that the condition of an
29 electrical installation or product constitutes an immediate hazard to life
30 or property, it may cut or disconnect any wire necessary to remove such
31 hazard.

32 (4) Upon written request of appropriate municipal personnel, the De-
33 partment of Commerce may make inspections of electrical installations
34 and products within [*incorporated cities having by ordinance adopted mini-*

1 *imum safety standards for such installations or products which meet the*
2 *requirements of ORS 479.510 to 479.850] municipalities* . Such inspections
3 shall be made at cost, in accordance with local municipal ordinances
4 [*and building codes*] , payable on a monthly basis.

5 (5) For the purpose of discharging any duty imposed by ORS 479.510
6 to 479.850 or exercising authority conferred hereby the Department of
7 Commerce may, during reasonable hours, enter any building, enclosure,
8 or upon any premises where electrical work is in progress, where an
9 electrical installation has been made or where electrical equipment or
10 products may be located. No person shall obstruct or interfere with the
11 Department of Commerce in performance of any of its duties or the exercise
12 of any authority conferred under this section.

13 **SECTION 31.** Section 32 of this Act is added to and made a part of
14 ORS 479.510 to 479.850.

15 **SECTION 32.** Rules adopted under ORS 479.510 to 479.850 may be
16 amended in accordance with ORS 479.730, 479.740 and subsection (3) of
17 section 7 of this 1973 Act.

18 **SECTION 33.** Section 34 of this Act is added to and made a part of
19 ORS 184.520 to 184.570.

20 **SECTION 34.** There hereby is established in the General Fund of the
21 State Treasury the Building Code Account. Except as otherwise provided
22 by law, all moneys appropriated or credited to the Building Code Account
23 hereby are appropriated continuously for and shall be used by the director
24 for the purpose of carrying out the duties and responsibilities imposed upon
25 the Department of Commerce, its officers or divisions, under ORS 446.155
26 to 446.200, 447.010 to 447.140, 460.005 to 460.175, 460.310 to 460.380, 479.510
27 to 479.850, 480.510 to 480.615 and ORS chapter 693.

28 Section 35. ORS 460.175 is amended to read:

29 460.175. All receipts from fees, charges, costs, expenses and fines
30 provided for in ORS 460.005 to 460.175 shall be collected by the [*Labor*
31 *Commissioner*] **Department of Commerce** and paid to the State Treasurer
32 on the first day of each month and credited by the State Treasurer to the
33 [*Electrical Regulation*] **Building Code Account created by section 34 of**
34 **this 1973 Act** in the General Fund. [*The moneys in the Electrical Regulation*

1 *Account, as may be necessary for paying the expenses for administering*
2 *and enforcing ORS 460.005 to 460.175, are hereby continuously appropriated*
3 *for that purpose.]*

4 Section 36. ORS 460.370 is amended to read:

5 460.370. All fees collected by the department under ORS 460.310 to
6 460.380 and subsection (2) of ORS 460.990 shall be paid to the State Treas-
7 urer and [*become part of*] **credited to the Building Code Account created**
8 **by section 34 of this 1973 Act in the General Fund.**

9 Section 37. ORS 479.850 is amended to read:

10 479.850. All receipts from fees, charges, costs, expenses and fines pro-
11 vided in [*section 145, chapter —, Oregon Laws 1971 (Enrolled House Bill*
12 *1048) and*] ORS 446.175, 460.165, 479.510 to 479.850 and 479.990 when col-
13 lected shall be paid into the General Fund on the first day of each month
14 and credited to the [*Regulation*] **Building Code Account created [*hereby*]**
15 **by section 34 of this 1973 Act.** [*The money in the Regulation Account that*
16 *is necessary for paying the expenses of administering and enforcing section*
17 *145, chapter —, Oregon Laws 1971 (Enrolled House Bill 1048) and ORS*
18 *446.175, 460.165, 479.510 to 479.850 and 479.990 is hereby continuously appro-*
19 *priated for that purpose.]*

20 Section 38. ORS 480.610 is amended to read:

21 480.610. All receipts from fees, charges, costs and expenses under
22 ORS 480.510 to 480.615 shall be collected by the Department of Commerce
23 and paid into the State Treasury on the first day of each month for the
24 preceding month, and credited by the State Treasurer to the [*Bureau of*
25 *Labor*] **Building Code Account created by section 34 of this 1973 Act for**
26 **purposes authorized by law.**

27 **SECTION 39.** Section 40 of this Act is added to and made a part of
28 ORS chapter 693.

29 **SECTION 40.** All receipts from fees permitted by ORS 693.050 and
30 693.060 shall be collected by the department and, on the first day of each
31 month for the preceding month, paid into the State Treasury and credited
32 by the State Treasurer to the Building Code Account created by section
33 34 of this 1973 Act.

34 **SECTION 41.** (1) Sections 34 and 40 of this Act and the amendments

1 to ORS 460.175, 460.370, 479.850 and 480.610, enacted by sections 35 to 38 of
2 this Act shall be operative after June 30, 1973.

3 (2) Any money remaining in the Electrical Regulation Account de-
4 scribed by ORS 460.175 or the Regulation Account described by ORS 479.850
5 on June 30, 1973, shall be and hereby is transferred and credited to the
6 Building Code Account created by section 34 of this Act.

7 (3) Any money remaining in the State Plumbing Board Account,
8 authorized by ORS 670.335, on June 30, 1973, shall be and hereby is trans-
9 ferred and credited to the Building Code Account created by section 34 of
10 this Act.

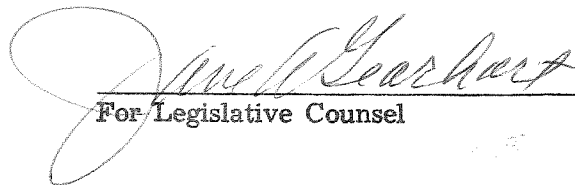
11 **SECTION 42.** This Act being necessary for the immediate preservation
12 of the public peace, health and safety, an emergency is declared to exist,
13 and this Act takes effect on its passage.



Committee Report Review - Legislative Counsel

Date 6-21-73

We have examined the report of the House Committee on STATE AND FEDERAL AFFAIRS,
dated 6-21-73, on measure Re-Eng. SB 73, and,
pursuant to House Rule 8.20(2), attest that the revised bill summary complies with the requirements of House
Rule 14.15(4) and that the identification of substantive changes in the report is accurate.



For Legislative Counsel

- MEASURE HAS NO REVISED SUMMARY.
- MEASURE HAS NO SUBSTANTIVE CHANGES.

ENG.-RE-ENGROSSED
Senate Bill 73

Ordered by the House June 27
(Including Amendments by Senate March 16, May 14, and by House
Committee on State and Federal Affairs June 21)

Sponsored by Senator GROENER, Representatives ELLIOTT, MARTIN

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.

Authorizes Director of Commerce, with [*advice of State Structural Code Advisory Board appointed from involved industries and professions,*] approval of appropriate advisory boards to adopt, publish and administer building code regulations covering structural standards and standards for mechanical, heating and ventilating devices and equipment, and for prefabricated structures, except as provided by prior existing law. Establishes procedure for adoption and amendment of codes. Requires director to appoint State Structural Code Advisory Board consisting of representatives of industries and professions involved in development and construction of buildings including representation from certain agencies, associations, trades, industries, local government governing bodies and general public; prescribes duties and functions. Grants director authority to coordinate administration of building codes. Provides for revision or elimination of duplicitious, contradictory or inconsistent rules or standards; requires director to submit report of such rules or standards to Governor and recommendations for elimination of such rules or standards. Provides that state [*structural*] building code [*supersede municipal structural codes and apply statewide effective July 1, 1974,*] be applicable and uniform throughout state; prohibits municipalities from enacting or enforcing any ordinance or rule in conflict therewith; provides that Act does not limit authority of municipalities to enact certain regulations. Designates operative dates for designated codes; provides that state structural code be operative July 1, 1974. Provides for building officials, inspectors and other administrative officers, for [*department*] review and appeal of [*local*] decisions under building code regulations, and for permit fees and collection procedures therefor. Establishes qualification; [*and*] provides for certification of building officials and inspectors; and provides for training programs. Establishes surcharge on permit fees to defray cost of training and other educational programs. [*Requires Health Division, rather than State Board of Health, to see that designated provisions regulating plumbing and sewage cesspool work are enforced.*] Provides for issuance of ruling with respect to material or construction upon request. Makes other changes. Prohibits certain conduct. Provides penalties. Transfers certain functions of State Fire Marshal to director.

Creates Building Code Account and continuously appropriates moneys in account for designated purposes. Limits designated biennial expenditures from Building Code Account to \$192,898. Provides for collection of certain fees by Department of Commerce. Provides for transfer of certain fees and moneys to Building Code Account. [*Operative after June 30, 1973.*] Resolves conflicts.

Declares emergency.

NOTE: Matter in bold face in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted; complete new sections begin with SECTION.

1

A BILL FOR AN ACT

2 Relating to property, including but not limited to the regulation of build-
3 ing construction and the installation of devices and equipment; creating
4 new provisions; amending ORS 447.080, 460.175, 460.370, 476.080, 479.155,
5 479.530, 479.540, 479.820, 479.850 and 480.610; repealing ORS 447.110,
6 447.120 and 447.130; appropriating money; limiting expenditures; pro-
7 viding penalties; and declaring an emergency

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

9 **SECTION 1.** As used in sections 1 to 29 of this Act, unless the context
10 requires otherwise:

11 (1) "Administrator" means the state building code administrator.

12 (2) "Advisory board" means the advisory board with responsibility
13 for assisting in the adoption, amendment or administration of a specialty
14 code.

15 (3) "Department" means the Department of Commerce.

16 (4) "Director" means the Director of Commerce.

17 (5) "Municipality" means a city, county or other unit of local gov-
18 ernment otherwise authorized by law to enact a building code.

19 (6) "Prefabricated structure" means a building or structural unit
20 which has been in whole or substantial part manufactured at an off-
21 site location to be wholly or partially assembled on site; but does not in-
22 clude a mobile home, trailer or recreational vehicle.

23 (7) "Specialty code" means a code of regulations adopted under sub-
24 section (2) of section 2 of this Act, ORS 446.185, subsection (2) of 447.020,
25 ORS 460.085, 460.360, subsection (1) of 479.730 or ORS 480.535; but does
26 not include regulations adopted by the State Fire Marshal pursuant to
27 ORS chapter 476 or ORS 479.010 to 479.200 and 479.210 to 479.220.

28 (8) "State building code" means the combined specialty codes.

29 (9) "Structural code" means the specialty code prescribing structural
30 standards for building construction.

31 **SECTION 2.** (1) Sections 1 to 29 of this Act are enacted to enable
32 the Director of Commerce to promulgate a state building code to govern

1 the construction, reconstruction, alteration and repair of buildings and
2 other structures and the installation of mechanical devices and equipment
3 therein, which will establish basic and uniform performance standards
4 providing reasonable safeguards for health, safety, welfare, comfort and
5 security of the residents of this state who are occupants and users of
6 buildings, and will provide for the use of modern methods, devices, ma-
7 terials, techniques and maximum energy conservation.

8 (2) The regulations adopted pursuant to sections 1 to 29 of this Act
9 shall include structural standards; standards for the installation and use of
10 mechanical, heating and ventilating devices and equipment; and standards
11 for prefabricated structures; and shall, subject to section 3 of this Act,
12 prescribe reasonable fees for the issuance of building permits and similar
13 documents, inspections and plan review services, by the department.

14 (3) Sections 1 to 29 of this Act do not affect the statutory jurisdiction
15 and authority of the Workmen's Compensation Board, under ORS chapter
16 654, to promulgate occupational safety and health standards relating to
17 places of employment, and to administer and enforce all state laws, regu-
18 lations, rules, standards and lawful orders requiring places of employ-
19 ment to be safe and healthful.

20 (4) Sections 1 to 29 of this Act and any specialty code do not limit
21 the authority of a municipality to enact regulations providing for local
22 administration of the state building code; local appeal boards; fees and
23 other charges; abatement of nuisances; enforcement through penalties;
24 stop-work orders or other means; or minimum health, sanitation and
25 safety standards for governing the use of structures for housing, except
26 where the power of municipalities to enact any such regulations is ex-
27 pressly withheld by statute.

28 **SECTION 3.** (1) Fees shall be prescribed as required by section 2
29 of this Act for permits issued by the department for the construction,
30 reconstruction, alteration and repair of prefabricated structures and of
31 buildings and other structures and the installation of mechanical heating
32 and ventilating devices and equipment. The fees shall be based on the
33 total valuation of the proposed structure or installation, shall not exceed

1 the maximum fees set out in the following schedule and shall not be
2 effective until approved by the Executive Department.

4 TOTAL VALUATION	MAXIMUM FEE
5 \$1 to \$500	\$5
6 \$501 to \$2,000	\$5 for the first \$500 plus \$1 for each additional 7 \$100 or fraction thereof, to and including \$2,000
8 \$2,001 to \$25,000	\$20 for the first \$2,000 plus \$4 for each additional 9 thousand or fraction thereof, to and including 10 \$25,000
11 \$25,001 to \$50,000	\$112 for the first \$25,000 plus \$3 for each addi- 12 tional thousand or fraction thereof, to and includ- 13 ing \$50,000
14 \$50,001 to \$100,000	\$187 for the first \$50,000 plus \$2 for each addi- 15 tional thousand or fraction thereof, to and includ- 16 ing \$100,000
17 \$100,001 to \$500,000	\$287 for the first \$100,000 plus \$1.50 for each addi- 18 tional thousand or fraction thereof, to and includ- 19 ing \$500,000
20 \$500,000 and up	\$387 for the first \$500,000 plus \$1 for each addi- 21 tional thousand or fraction thereof.

22 (2) The fee for examining plans and specifications submitted to the
23 administrator under section 20 of this Act or ORS 479.155 shall be the
24 same as the fee prescribed for a permit under subsection (1) of this
25 section. However, if the valuation of the proposed structure or installation
26 exceeds \$1,000, the fee shall be one-half the amount of the prescribed
27 permit fee.

28 (3) A municipality shall not, for the kind of permits provided for by
29 subsection (1) of this section, enact or enforce any ordinance, rule or regu-
30 lation fixing any permit fee that is higher than the maximum fee provided
31 by this section unless the municipality has the prior approval of the
32 director to do so. The director shall approve any such fee or fees if he
33 finds, after notice and hearing, that the proposed fee or fees are reasonable
34 and necessary to provide funds for the municipality to pay for the expenses
of carrying out effective enforcement of the specialty code or codes that
are its responsibility, pursuant to section 10 of this Act, to enforce.

SECTION 4. (1) Where a state agency other than the Department
of Commerce has, prior to the effective date of this Act, adopted regu-

1 lations, rules or standards that relate to building construction and instal-
2 lation of equipment therein, the agency shall review such regulations,
3 rules or standards for the purpose of revising or eliminating regulations,
4 rules or standards that contradict or are inconsistent with the state
5 building code or that burden the public with unnecessary duplication of
6 building codes or inspections. Each such state agency shall submit the
7 results of its review to the director prior to January 1, 1975.

8 (2) The director shall review the reports submitted to him pursuant
9 to subsection (1) of this section, and shall also review the rules, regula-
10 tions and standards of the Department of Commerce and the laws of this
11 state relating to building construction and installation of equipment
12 therein to determine if the public is being asked to comply with contra-
13 dictory or inconsistent requirements or is being burdened with unneces-
14 sary duplication of building codes or inspections. The director shall present
15 the results of his review in a report to be submitted to the Governor on
16 or before March 1, 1975, or as soon thereafter as he can reasonably com-
17 plete it. The report shall summarize the statutory or regulatory contra-
18 dictions, inconsistencies and redundancies as he may find and shall include
19 his recommendations for the elimination of such contradictory, incon-
20 sistent or redundant laws and administrative acts.

21 **SECTION 5.** Except as otherwise provided by ORS chapters 446, 447,
22 460, 476, 479 and 480:

23 (1) The director shall coordinate and generally supervise the adoption,
24 administration and enforcement of the state building code.

25 (2) The director with the approval of the appropriate advisory boards
26 shall adopt and publish the specialty codes, including codes of regulations
27 as authorized by subsection (2) of section 2 of this Act providing stand-
28 ards for the construction, reconstruction, alteration and repair of buildings
29 and other structures and the installation of mechanical devices and equip-
30 ment therein, governing matters of materials, design and construction,
31 fire protection in one-family and two-family dwellings, health, sanitation,
32 safety and maximum energy conservation.

33 (3) The director with the approval of the appropriate advisory boards
34 may amend such codes from time to time. The codes of regulations and

1 any amendment thereof shall conform in so far as practicable to model
2 building codes generally accepted and in use throughout the United States.
3 If there is no nationally recognized model code, consideration shall be
4 given to the existing specialty codes presently in use in this State. Such
5 model codes with modifications considered necessary and specialty codes
6 may be adopted by reference. The codes so promulgated and any amend-
7 ments thereof shall be based on the application of scientific principles,
8 approved tests and professional judgment and, to the extent that it is
9 practical to do so, the codes shall be promulgated in terms of desired
10 results instead of the means of achieving such results, avoiding wherever
11 possible the incorporation of specifications of particular methods or ma-
12 terials. To that end the codes shall encourage the use of new methods,
13 new materials and maximum energy conservation.

14 **SECTION 6.** (1) The state building code shall be applicable and
15 uniform throughout this state and in all municipalities therein, and no
16 municipality shall enact or enforce any ordinance, rule or regulation
17 in conflict therewith.

18 (2) Subsection (1) of this section is operative:

19 (a) With regard to the state structural code, July 1, 1974.

20 (d) With regard to each specialty code not named by paragraphs (a)
21 on the effective date of such code as determined under ORS 183.355.

22 (c) With regard to the prefabricated structures code, as provided by
23 sections 26 and 27 of this Act.

24 (d) With regard to each specialty code not named by paragraphs (a)
25 to (c) of this subsection, on the effective date, as determined under ORS
26 183.355, of the first amendments to such code adopted pursuant to sections
27 1 to 29 of this Act.

28 **SECTION 7.** (1) The director shall appoint a State Structural Code
29 Advisory Board to serve as provided by sections 1 to 29 of this Act. The
30 director may appoint additional advisory boards as needed to carry out
31 the intent of sections 1 to 29 of this Act.

32 (2) The State Structural Code Advisory Board shall consist of the
33 number of members fixed pursuant to ORS 670.340. The assistant to the
34 administrator shall serve as secretary of the board but shall not be a

1 member thereof. Each member shall be appointed to serve a four-year term,
2 commencing July 1 of the year of appointment, and until his successor is
3 appointed and qualified. The membership shall be broadly representative
4 of the industries and professions involved in the development and con-
5 struction of buildings including representation from building code en-
6 forcement agencies, architectural and engineering associations, building
7 construction trades, the contracting and manufacturing industries, gov-
8 erning bodies of local government, fire protection agencies and the general
9 public.

10 (3) The State Structural Code Advisory Board shall elect its own
11 chairman, adopt rules for its procedure and meet on call of the chairman
12 or majority of the members. A majority of the members shall constitute
13 a quorum to do business. The director shall provide administrative facili-
14 ties and services for the board.

15 (4) Members of the State Structural Code Advisory Board shall be
16 entitled to compensation and expenses as provided by ORS 292.495.

17 **SECTION 8.** Notwithstanding subsection (2) of section 7 of this Act,
18 of the members initially appointed to serve on the State Structural Code
19 Advisory Board approximately one-half shall be appointed for terms of
20 two years and the others to serve for terms of four years.

21 **SECTION 9.** (1) Except as otherwise provided by this section, the di-
22 rector shall be subject to ORS 183.310 to 183.500 in the adoption, amend-
23 ment or repeal of regulations authorized by, and in the issuance of orders
24 in contested cases arising under, sections 1 to 29 of this Act.

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

30 (3) The director shall not be required to publish or distribute those
31 parts of a code of regulations adopted by reference. However, the di-
32 rector shall publish with a specialty code and annually thereafter a list
33 of places where copies of those parts of the code adopted by reference
34 may be obtained together with the approximate cost thereof. The director

1 shall file one copy of the complete code with the Secretary of State.
2 However, all standards referred to in any specialty code or any of the
3 modifications thereto need not be so filed. All standards referred to in
4 the code shall be kept on file and available for inspection in the office of
5 the director.

6 (4) Any interested person may propose amendments to the state
7 building code, which proposed amendments may be either applicable to all
8 municipalities or, where it is alleged and established that conditions exist
9 within a municipality or some municipalities that are not generally found
10 within other municipalities, amendments may be restricted in application
11 to such municipalities. Amendments proposed to the state building code
12 under this subsection shall be at least as restrictive as the regulations
13 contained in the code and shall be in conformity with the policy and
14 purpose prescribed by section 2 of this Act. The justification and the
15 particular circumstances requiring the proposed amendments shall be
16 fully stated in the proposal. The director shall submit all proposed amend-
17 ments to the appropriate advisory board. The board shall review and
18 report its recommendations to the director on the amendments within
19 180 days after the date of submission by him.

20 (5) The director, with the approval of the advisory board, may adopt
21 or modify and adopt any amendments proposed to him under subsection
22 (4) of this section. The director shall, within 30 days after the date of
23 receipt of the recommendations of the advisory board, notify the person
24 proposing the amendments of the adoption, modification and adoption or
25 denial of the proposed amendments. Upon adoption, a copy of each amend-
26 ment shall be distributed to the governing bodies of all municipalities
27 affected thereby.

28 (6) With the approval of the director, the administrator shall from
29 time to time make or cause to be made investigations, or may accept au-
30 thenticated reports from authoritative sources, concerning new materials
31 or modes of construction intended for use in the construction of buildings
32 or structures, or intended for use in other activity regulated by the state
33 building code, and shall, where necessary, propose amendments to the
34 code setting forth the conditions under which the materials or modes

1 may be used, in accordance with the standards and procedures of sections
2 1 to 29 of this Act.

3 **SECTION 10.** (1) The director, with the approval of the Governor,
4 shall appoint a state building code administrator, who shall have general
5 supervision over the administration of the state building code regulations
6 that are the general responsibility of the director, including the plumbing,
7 elevator, electrical, mobile home, boiler, amusement ride, structural; me-
8 chanical, heating and ventilating; and prefabricated structures codes. The
9 administrator shall serve at the pleasure of the director and shall be in
10 the unclassified service of the state. He shall perform such other duties as
11 the director may assign.

12 (2) The administrator, with the approval of the director, shall appoint
13 an assistant who shall be responsible for the administration of the struc-
14 tural code. The assistant shall be competent in the field of administration
15 and shall have such experience and professional qualifications in building
16 design, construction and supervision as the director considers necessary.
17 The assistant may, with the approval of the director, employ inspectors and
18 other personnel as necessary to carry out his function under sections 1 to
19 29 of this Act. He shall perform such other duties in administering the
20 code as the director may assign.

21 **SECTION 11.** By April 1, 1974, the department shall distribute, upon
22 request and without charge, one copy of the state building code to each
23 municipality within the state. The distribution shall not include any parts
24 of the code adopted by reference. Additional copies shall be made avail-
25 able to municipalities and interested persons for such fee as the director
26 shall prescribe.

27 **SECTION 12.** (1) When a municipality administers and enforces all
28 or part of the plumbing, electrical, structural or mechanical, heating and
29 ventilating codes, the governing body of the municipality shall, unless
30 other means are already provided, appoint a person to administer and
31 enforce such specialty codes or parts thereof, who shall be known as the
32 building official. A building official shall, in the municipality for which
33 he is appointed, attend to all aspects of code enforcement, including the
34 issuance of all building permits. Two or more municipalities may combine

1 in the appointment of a single building official for the purpose of ad-
2 ministering the provisions of the code within their communities.

3 (2) By May 1, 1974, the governing body of each municipality shall
4 notify the director of the specialty codes or parts thereof that it will
5 administer and enforce beginning July 1, 1974. If parts of specialty codes
6 are to be administered and enforced by a municipality the parts shall
7 correspond to a classification designated by the director as reasonable
8 divisions of work by type of structure or installation, or by complexity
9 of work.

10 (3) If a city does not notify the director, or notifies him that it will
11 not administer certain specialty codes or parts thereof, the county or
12 counties in which the city is located shall administer and enforce those
13 codes or parts thereof within the city in the same manner as it administers
14 and enforces them outside the city, except as provided by subsection (4)
15 of this section.

16 (4) If a county does not notify the director, or notifies him that it
17 will not administer and enforce certain specialty codes or parts thereof,
18 the administrator shall contract with a municipality or use such state
19 employes or state agencies as are necessary to administer and enforce
20 those codes or parts thereof, and permit or other fees arising therefrom
21 shall be paid into the State Treasury and credited to the account respon-
22 sible for paying such expenses.

23 (5) The governing body of a municipality may change its building
24 code administration and enforcement responsibility beginning July 1 of
25 any year by notifying the director by May 1 of such year of the change
26 to be made. Upon such change, responsibility shall be fixed as provided
27 by subsections (3) and (4) of this section.

28 **SECTION 13.** As used in sections 13 to 19 of this Act, unless the con-
29 text otherwise requires:

30 (1) "Building official" means a person charged by a municipality with
31 responsibility for administration and enforcement of the state building
32 code in the municipality.

33 (2) "Inspector" means a person acting under the authority and direc-

1 tion of a building official and charged with the responsibility of routine
2 enforcement of any specialty code.

3 **SECTION 14.** (1) In accordance with applicable provisions of ORS
4 chapter 183, to promote effective and uniform enforcement of the state
5 building code by improving the competence of building officials and in-
6 spectors, the director, with the advice of the advisory boards, shall:

7 (a) Establish for building officials and inspectors reasonable mini-
8 mum training and experience standards, including but not limited to
9 courses or subjects for instruction, facilities for instruction, qualification
10 of instructors, methods of instruction and classification of responsibility.

11 (b) Establish a procedure to be used by municipalities to determine
12 whether a person meets minimum standards or has minimum training to
13 be appointed or employed as a building official or inspector.

14 (c) Subject to such terms, conditions and classifications as the
15 director may impose, certify building officials as being qualified, and
16 revoke such certifications in the manner provided in section 19 of this Act.

17 (d) Subject to such terms, conditions and classifications as the director
18 may impose, certify inspectors as being qualified to enforce one or more
19 particular specialty codes, and revoke such certification in the manner
20 provided in section 19 of this Act.

21 (2) The director shall maintain and, upon request of municipalities,
22 furnish information on applicants for appointment or employment as
23 building officials or inspectors.

24 (3) Pursuant to ORS chapter 183, the director shall adopt rules neces-
25 sary to carry out the certification programs provided by this section.

26 **SECTION 15.** (1) Upon application, the director or his authorized
27 representative shall examine and evaluate any program or facility estab-
28 lished by a municipality or educational institution for the training of
29 building officials and inspectors.

30 (2) If the director finds that a training program is qualified under
31 the minimum requirements established pursuant to section 14 of this Act,
32 the director shall, in writing, certify the training program as being quali-
33 fied for such a period of time and upon such conditions as the director

1 may prescribe. An individual complies with any minimum requirement
2 for building officials or inspectors established pursuant to section 14 of
3 this Act when he satisfactorily completes a training program certified
4 under this section.

5 **SECTION 16.** After July 1, 1977, no person shall be appointed or em-
6 ployed as a building official or inspector by any municipality unless he
7 has been certified as being qualified under the provisions of sections 13
8 to 19 of this Act, and the certification has not lapsed or been revoked.

9 **SECTION 17.** The certification of any building official or inspector
10 who does not serve in such capacity for a period of time in excess of
11 three consecutive months, unless he is on a leave of absence from a
12 municipality and intends to return to his position upon the conclusion of
13 such leave, shall be considered lapsed. Upon reemployment as a building
14 official or inspector, a person whose certification has lapsed may apply
15 for certification in the manner provided in section 18 of this Act.

16 **SECTION 18.** (1) Any person desiring to be certified as a building
17 official or inspector pursuant to sections 13 to 19 of this Act shall make
18 application to the director upon such forms as the director may prescribe
19 for such purpose.

20 (2) Each person applying for certification pursuant to this section shall
21 pay a fee of \$20. If for any reason the application is withdrawn, or the
22 certification is not granted, one-half of the application fee shall be refunded
23 to the applicant.

24 (3) Upon determining that the applicant is qualified under the pro-
25 visions of sections 13 to 19 of this Act, the director shall issue or cause to
26 be issued to the applicant a certificate setting forth the class and any
27 restrictions upon his certification, including, if he is an inspector, the
28 particular specialty codes which he is certified to enforce.

29 **SECTION 19.** (1) The director may, upon notice and hearing, re-
30 voke the certification of any building official or inspector when it appears
31 to him by competent evidence that the building official or inspector has
32 consistently failed to act in the public interest in the performance of his
33 duties. In any revocation proceeding under this section, the municipality

1 that employs the building official or inspector shall be entitled to appear
2 as a party in interest, either for or against the revocation.

3 (2) Nothing in this section shall be construed to limit or otherwise
4 affect the authority of a municipality to dismiss or suspend a building offi-
5 cial or inspector at its discretion.

6 **SECTION 20.** The administrator may, upon an application setting
7 forth a set of plans and specifications that will be utilized in one or
8 more municipalities to acquire building permits, review and approve
9 the application for the construction or erection of any building or struc-
10 ture if such set of plans meets the requirements of the state building
11 code. All costs incurred by the administrator by virtue of the examination
12 of such a set of plans and specifications shall be paid by the applicant.
13 The plans and specifications or any plans and specifications required to
14 be submitted to a state agency shall be submitted to the administrator
15 who shall examine the instruments and if necessary distribute them to the
16 appropriate state agencies for scrutiny regarding adequacy as to fire
17 safety and all other appropriate features. The state agencies shall examine
18 and promptly return the plans and specifications together with their
19 certified statement as to the adequacy of the instruments regarding that
20 agency's area of concern. Any building official shall issue a building per-
21 mit upon application and presentation to him of such a set of plans and
22 specifications bearing the approval of the administrator if the require-
23 ments of all other local ordinances are satisfied.

24 **SECTION 21.** (1) Any person who desires to use or furnish any ma-
25 terial, design or method of construction or installation in the state, or any
26 building official, may request the director to issue a ruling with respect
27 to the acceptability of any material, design or method of construction
28 about which there is a question under any provision of the state building
29 code. Requests shall be in writing and, if made by anyone other than a
30 building official, shall be made and the ruling issued prior to the use or
31 attempted use of such questioned material, design or method.

32 (2) In making rulings, the director shall obtain the approval of the
33 appropriate advisory board as to technical and scientific facts and shall
34 consider the standards and interpretations published by the body that

1 promulgated any nationally recognized model code adopted as a specialty
2 code of this state.

3 (3) A copy of the ruling issued by the director shall be certified to
4 the person making the request. Additional copies shall be transmitted to
5 all building officials in the state. The director shall keep a permanent
6 record of all such rulings, and shall furnish copies thereof to any interested
7 person upon payment of such fees as the director may prescribe.

8 (4) A building official or inspector shall approve the use of any ma-
9 terial, design or method of construction approved by the director pursuant
10 to this section if the requirements of all other local ordinances are satisfied.

11 **SECTION 22.** Any person aggrieved by the final decision of a munici-
12 pal appeals board or a subordinate officer of the department as to the
13 application of any provision of a specialty code may, within 30 days after
14 the date of the decision, appeal to the appropriate advisory board. The
15 appellant shall submit a fee of \$20, payable to the director, with his request
16 for appeal. The final decision of the involved municipality or state officer
17 shall be subject to review and final determination by the appropriate
18 advisory board as to technical and scientific determinations related to
19 the application of the specialty code involved.

20 **SECTION 23.** Building permits or certificates of occupancy validly
21 issued before July 1, 1974, regarding buildings or structures being con-
22 structed or altered pursuant thereto, shall be valid thereafter and the
23 construction may be completed pursuant to the building permit, unless
24 the building official determines that life or property is in jeopardy.

25 **SECTION 24.** (1) A person shall not:

26 (a) Violate or procure, aid or abet in the violation of any final order
27 concerning the application of a provision of the state building code in a
28 particular case made by the director, an advisory board, a state adminis-
29 trative officer or any local appeals board, building official or inspector.

30 (b) Engage in or procure, aid or abet any other person to engage in
31 any conduct or activity for which a permit, certificate, label or other
32 formal authorization is required by any specialty code or other regulation
33 promulgated pursuant to sections 1 to 29 of this Act without first having
34 obtained such permit, certificate, label or other formal authorization.

1 (2) Violation of subsection (1) of this section is a Class B misdemeanor.
2 In the case of a continuing violation, every day's continuance of the vio-
3 lation is a separate offense.

4 **SECTION 25.** (1) For the purpose of defraying the costs of training
5 and other educational programs administered by the department under
6 sections 1 to 29 of this Act there is hereby imposed a surcharge in the
7 amount of one percent of the total building permit fees collected by a
8 municipality in connection with the construction of, or addition or altera-
9 tion to, buildings and equipment or appurtenances on and after July 1, 1973.

10 (2) Permit surcharges shall be collected by each municipality and re-
11 mitted to the administrator. Each municipality having a population
12 greater than 40,000 shall, on a monthly basis, prepare and submit to the
13 administrator a report of permits and certificates issued in each class or
14 category and fees and surcharges thereon collected during the month, to-
15 gether with other statistical information as required by the director con-
16 cerning construction activity regulated by the parts of the state building
17 code administered by the municipality. All other municipalities shall
18 submit such a report on a quarterly basis. The report, which shall be in
19 a form prescribed by the director, shall be submitted, together with a
20 remittance covering the surcharges collected, by no later than the 15th
21 day following the month or quarter in which the surcharges are collected.

22 (3) All surcharges and other fees prescribed by sections 1 to 29 of this
23 Act and payable to the department, except fees received under subsection
24 (4) of section 12 of this Act, shall be deposited by the director in the State
25 Treasury for credit to the Building Code Account created by section 38
26 of this Act.

27 **SECTION 26.** On the effective date on which regulations promulgated
28 by the director regarding prefabricated structures are given the force
29 and effect of law under ORS 183.355, this section and section 27 of this Act
30 shall expire and have no force and effect. Until such time as the director
31 adopts such regulations, the rules set forth in section 27 of this Act shall
32 be a part of the state building code and govern the regulation of prefab-
33 ricated structures.

1 SECTION 27. (1) Rule 1. General.

2 (a) Purpose. The purpose of these rules is to regulate materials and
3 establish methods of safe construction where any structure or portion
4 thereof is wholly or partially prefabricated.

5 (b) Scope. Unless otherwise specifically stated, all prefabricated con-
6 struction and all materials used therein shall conform to all requirements
7 of this code, except as otherwise noted.

8 (c) Definitions.

9 (A) "Code" means the requirements, standards, rules and regulations
10 set forth in this section.

11 (B) "Prefabricated structure" has the meaning given that term by
12 section 1 of this Act.

13 (C) "Installation" means the assembly of a prefabricated structure on
14 site, and the process of affixing the structure to land, a foundation, footings
15 or an existing building.

16 (2) Rule 2. Tests and materials. Every approval of a material not
17 specifically mentioned in this code may incorporate as a proviso the kind
18 and number of tests to be made during prefabrication.

19 (3) Rule 3. Tests of assemblies. The state building code administra-
20 tor may require special tests to be made on prefabricated structures to
21 determine their durability and weather resistance.

22 (4) Rule 4. Connections. Every device designed to connect prefabri-
23 cated assemblies shall be capable of developing the strength of the mem-
24 bers connected, except in the case of members forming part of structural
25 frame designed as specified in other parts of the code. The connection
26 device shall be designed as required by the other parts of the code.

27 (5) Rule 5. Pipes and conduits. In structural design, due allowances
28 shall be made for any material to be removed for the installation of pipes,
29 conduits or other equipment or for on-site inspection.

30 (6) Rule 6. Certificate and inspection of materials and manufacture.

31 (a) Before any material is delivered to the site, the manufacturer shall
32 submit complete details, drawings and specifications of the assembly for
33 the approval of the state building code administrator. No prefabricated
34 structure shall be sold, offered for sale or installed in the state and no

1 permit shall be issued with respect to a building consisting in whole or
2 part of a prefabricated structure unless the materials therein and manu-
3 facture thereof have been certified by the administrator to be in com-
4 pliance with the code. The administrator shall make such inspections
5 as necessary to insure compliance and may send inspectors into other
6 states to inspect the manufacture of prefabricated structures to be sold,
7 offered for sale or installed in the State of Oregon. All costs incurred by the
8 administrator by virtue of the inspection of materials and manufacture
9 shall be paid by the involved manufacturer. Following inspection and pay-
10 ment by the manufacturer of the costs arising therefrom the administrator
11 shall issue a certification with respect to each prefabricated structure con-
12 sidered to be in compliance with the code and a copy of the certificate
13 shall be affixed to the structure or part thereof. The certification by the
14 administrator that a prefabricated structure complies with the code shall
15 be conclusive on all agencies and instrumentalities of the state, its political
16 subdivisions and municipalities. The administrator shall require a certifi-
17 cate from the manufacturer which shall:

18 (A) Identify the manufacturer of the prefabricated structure or com-
19 ponent of the prefabricated structure.

20 (B) Identify, by serial number or otherwise, the particular prefabricat-
21 ed structure or component of the prefabricated structure being certified
22 as in compliance with the code.

23 (C) Certify that the materials used in the manufacture of prefabricated
24 structures or component of the prefabricated structures are in compliance
25 with the code.

26 (b) After certification no changes in or modifications to the pre-
27 fabricated structure or part thereof may be made by the manufacturer
28 without the approval of the administrator.

29 (7) Rule 7. On-site assembly and installation. The installation of pre-
30 fabricated structures shall comply with the provisions of the code and
31 shall be subject to the inspection of the building official of the jurisdiction
32 in which the site is situated.

33 (8) Rule 8. Continuous inspection. If continuous inspection is re-
34 quired for certain materials where construction takes place on site, it

1 shall be required where the same materials are used in prefabricated
2 construction.

3 **SECTION 28.** For the purposes of the codes of regulations adopted
4 under sections 1 to 29 of this Act, unless the context clearly indicates
5 otherwise, the following substitutions shall be made in any code adopted
6 by reference as part of the state building code:

7 (1) "Building official" for "administrative authority."

8 (2) "Governing body" for "mayor" and "city council."

9 (3) "Municipality" for "city."

10 **SECTION 29.** If the director determines that the standards for pre-
11 fabricated structures prescribed by statute, rule or regulation of another
12 state are at least equal to the regulations prescribed under sections 1 to 29
13 of this Act, and that such standards are actually enforced by such other
14 state, he may provide by regulation that prefabricated structures approved
15 by such other state shall be deemed to have been approved by the director.

16 **SECTION 30.** Notwithstanding the provisions of any other law, the sum
17 of \$192,898 is established for the biennium beginning July 1, 1973, as the
18 maximum limit for the payment of expenses out of the Building Code
19 Account in the General Fund, created by section 38 of this Act, for the
20 purpose of carrying out the provisions of sections 1 to 29 of this Act.

21 Section 31. ORS 447.080, as amended by section 228, chapter —,
22 Oregon Laws 1973 (Enrolled Senate Bill 77), is amended to read:

23 447.080. Nothing in ORS 447.010 to 447.140 prevents any city or county
24 from enacting and enforcing ordinances or building codes for the regu-
25 lation of the business of master plumbing, or which prescribe the manner
26 in which [*plumbing and*] drainage work shall be installed in such city
27 or county, except that such ordinances or codes shall not prescribe a lower
28 standard of installation of [*plumbing and*] drainage work than that pre-
29 scribed in ORS 447.010 to 447.140.

30 Section 32. ORS 476.080 is amended to read:

31 476.080. (1) The State Fire Marshal and his deputies, at all reasonable
32 hours, may enter into all buildings and upon all premises, except private
33 residences, for the purpose of inspection to ascertain if fire hazards exist

1 therein or thereon. **Owners of private residences may request a fire in-**
2 **spection of their property.**

3 (2) No person shall interfere with or prevent any such inspection
4 by such officers.

5 (3) When any person interferes with or prevents the State Fire Marshal
6 or his deputies from making the inspection mentioned herein, the officer
7 shall apply to the district attorney of the county wherein the inspection
8 was made or attempted to be made, for a warrant for the arrest of the
9 offending person, and it shall be the duty of such district attorney forth-
10 with to prosecute such offending person.

11 Section 33. ORS 479.155 is amended to read:

12 479.155. (1) **As used in this section:**

13 (a) **"Director" means the Director of Commerce.**

14 (b) **"Administrator" means the state building code administrator ap-**
15 **pointed pursuant to subsection (1) of section 10 of this 1973 Act.**

16 [(1)] (2) Prior to construction or alteration of a hospital, public
17 building as defined in paragraph (i) of subsection (1) of ORS 479.010,
18 public garage, dry cleaning establishment, apartment house, hotel, bulk
19 oil storage plant, school, institution as defined in ORS 479.210, or any other
20 building or structure regulated by the State Fire Marshal for use and
21 occupancy or requiring approval by the State Fire Marshal pursuant to
22 statute, the owner shall submit to the [State Fire Marshal] **administrator**
23 two copies of a plan or sketch showing the location of the building or
24 structure with relation to the premises, distances, lengths and details
25 of construction as the [State Fire Marshal] **director** shall require. Such
26 filing shall not be required with respect to any such building or structure
27 in any area exempted by order of the State Fire Marshal pursuant to
28 ORS 476.030. **Approval of such plans by the administrator shall be con-**
29 **sidered approval by the State Fire Marshal, and shall satisfy any statu-**
30 **tory provision requiring approval by the State Fire Marshal.**

31 [(2)] (3) A declaration of the value of the proposed construction or
32 alteration and the appropriate fee **required under section 3 of this 1973**
33 **Act** shall accompany the plan or sketch. However, the determination of
34 value or valuation [under any of the provisions of this code] shall be made

1 by the [State Fire Marshal or deputy state fire marshal] **director** or his
2 authorized assistant.

3 [(3) A plan examination fee shall be paid to the State Fire Marshal
4 as follows:]

5 [_____]

6 [TOTAL VALUATION	FEE]
7 [Less than \$20	No Fee]
8 [\$20, to and including \$100	\$.50]
9 [More than \$100, to and including \$40075]
10 [More than \$400, to and including \$700	1.25]
11 [More than \$700, to and including \$1,000	1.50]
12 [Each additional \$1,000 or fraction,	
13 to and including \$25,00075]
14 [Each additional \$1,000 or fraction,	
15 to and including \$50,00060]
16 [Each additional \$1,000 or fraction,	
17 to and including \$100,00040]
18 [Each additional \$1,000 or fraction,	
19 more than \$100,00025]
20 _____	

21 (4) The [State Fire Marshal] **administrator** or his staff shall be fur-
22 nished with not less than two accurate copies of the plan or sketch and
23 details for the purpose of ascertaining compliance with applicable fire
24 prevention and protection statutes and regulations. The plan examiner
25 shall indicate on the plan or sketch and in writing his approval or dis-
26 approval and conditions for approval of the construction or alteration. One
27 copy of the plan or sketch shall be retained by the [State Fire Marshal]
28 **administrator** and one copy shall be returned to the applicant. No building
29 or structure referred to in subsection (2) of this section shall be erected
30 or constructed without approval by the [State Fire Marshal or his
31 deputy] **administrator** if the building or structure requires approval by
32 the **State Fire Marshal**. After such approval or issuance of the required
33 permit, construction or alteration shall comply with the plan or sketch

1 in all respects unless modified by subsequent permit or order of the [*State*
2 *Fire Marshal*] **director or his authorized assistant.**

3 (5) The approval of a plan or sketch shall not be construed to be a
4 permit for, or an approval of, any violation of any statute or regulation
5 or the applicable ordinances and regulations of any governmental sub-
6 division of the state. The approval of the plan or sketch shall not be
7 construed as an approval for noncompliance with fire marshal regulations.
8 Any condition upon approval or disapproval shall be deemed an order
9 subject to appeal as other orders are appealable.

10 **SECTION 34.** If House Bill 2285 (1973 regular session) becomes law,
11 section 8, chapter —, Oregon Laws 1973 (Enrolled House Bill 2285),
12 amending ORS 479.155, is repealed.

13 Section 35. ORS 479.530 is amended to read:

14 479.530. As used in ORS 479.510 to 479.850, unless the context requires
15 otherwise:

16 (1) "Approved testing laboratory" means a testing laboratory making
17 scientific safety tests of electrical products in its plant by testing individual
18 samples, specimens and prototypes thereof, and maintaining an adequate
19 system of follow-up inspections in this state of the class of electrical prod-
20 ucts tested in the laboratory and offered for sale or distributed in this
21 state.

22 (2) "Board" means the Electrical Advisory Board appointed under
23 ORS 479.800.

24 (3) "Certificate of registration" means a certificate issued by the
25 Department of Commerce to a dealer in electrical products showing that
26 the dealer has registered.

27 (4) "Certified electrical product" means:

28 (a) An electrical product listed in the published list of Underwriters
29 Laboratories dated May 19, 1958, and the supplements thereto through
30 December 1958 as an approved electrical product, and which has not been
31 decertified.

32 (b) An electrical product certified by the Department of Commerce
33 under subsection (2) of ORS 479.760 which has not been decertified.

34 (c) A gas using device, with electrical components, listed in the pub-

1 lished list of American Gas Association Laboratories, dated January 1, 1959,
2 as complying with American Standard Requirements and which has not
3 been decertified.

4 (5) "Competent inspection service" means the electrical inspection
5 service of [*an incorporated city with safety standards not lower than those*
6 *required by ORS 479.510 to 479.850 as they apply to the type of electrical*
7 *installation covered by the city ordinance*] a city or county .

8 (6) "Electrical installations" include construction, installation, main-
9 tenance and repair of electrical wiring and electrical equipment to be oper-
10 ated thereby, except communication and signal systems of railroad com-
11 panies.

12 (7) "Electrical product" includes any electrical equipment, appliance,
13 material, device or apparatus to convey or be operated by electrical current.

14 (8) "Household appliance label" includes labels for installation of
15 farming irrigation pumps, household appliances and additions to electric
16 wiring in residences.

17 (9) "Label" means a card signed by the Director of Commerce or a
18 competent inspection service and issued to an electrical contractor or
19 property owner indicating that the electrical installation proposed has
20 been tentatively approved by the [*Director of Commerce*] signer as
21 meeting the minimum safety standards.

22 (10) "License" means an annual permit issued by the Department of
23 Commerce under ORS 479.630 authorizing the person whose name appears
24 as licensee thereon to act as an electrical contractor, supervising electrician,
25 journeyman or apprentice electrician as indicated thereon.

26 (11) "Minimum safety standards" means safety standards prescribed
27 by the Department of Commerce under ORS 479.730, except as provided in
28 ORS 479.720.

29 (12) "Persons" includes individuals, corporations, associations, firms,
30 partnerships and joint stock companies.

31 (13) "Serving agency" means a person principally engaged in the
32 business of generating or selling electricity in connection with the con-
33 struction or maintenance of electrical lines, wires or equipment.

1 (14) "Uncertified product" includes all electrical products which are
2 not certified.

3 Section 36. ORS 479.540 is amended to read:

4 479.540. (1) No person is required to obtain a license to make an
5 electrical installation on property which is owned by himself or a mem-
6 ber of his immediate family, and not presently intended for sale.

7 (2) No electrical contractor license is required in connection with
8 an electrical installation:

9 (a) Of meters and similar devices by a serving agency for measuring
10 electricity.

11 (b) Of ignition or lighting systems for motor vehicles.

12 (c) To be made by a person on his property in connection with his busi-
13 ness.

14 (d) To be made by a public utility or municipality for generation,
15 transmission or distribution of electricity on property which it owns or
16 manages.

17 (3) No person whose sole business is generating or selling electricity
18 in connection with the construction or maintenance of electrical lines,
19 wires or equipment, is required to obtain a certificate of registration or
20 license to transform, transmit or distribute electricity from its source to
21 the service head of the premises to be supplied thereby.

22 *[(4) No label is required for electrical installation made within the*
23 *limits of an incorporated city maintaining a competent inspection service*
24 *providing the electrical installation is of a type covered by the city ordi-*
25 *nance.]*

26 *[(5)]* (4) No certificate of registration is required to sell, dispose of
27 by gift or otherwise any electrical product within the limits of [*incorpo-*
28 *rated*] cities and counties maintaining a competent inspection service and
29 making periodical inspections of electrical stock of dealers in electrical
30 products.

31 *[(6)]* (5) No certificate of registration or license is required for tem-
32 porary demonstrations.

33 *[(7)]* (6) The provisions of ORS 479.510 to 479.850 shall not apply to
34 electrical products owned by, supplied to, or to be supplied to public

1 utilities as defined in ORS 757.005, nor to electrical installations made by or
2 for such a public utility where the electrical installations are an integral
3 part of the equipment of such utility.

4 [(8)] (7) No label is required for the repair, alteration or replace-
5 ment of existing electrical equipment of an industrial plant.

6 [(9)] (8) In cases of emergency in industrial plants no label is re-
7 quired in advance for electrical installation made by a person licensed
8 under subsections (2), (4) and (6) of ORS 479.630 if an application accom-
9 panied by appropriate fee for a label is submitted to the Department of
10 Commerce within five days after the commencement of such electrical
11 work.

12 [(10)] (9) No person is required to obtain a license or label to set
13 in place a certified electrical product or make a connection therefrom to
14 services and facilities other than electrical.

15 Section 37. ORS 479.820 is amended to read:

16 479.820. (1) The Department of Commerce shall:

17 (a) Check the authenticity, appropriateness and expiration dates of
18 licenses and certificates of registration issued under ORS 479.510 to 479.850.

19 (b) Inspect electrical installations and products for which a label,
20 license or certificate of registration is required by ORS 479.510 to 479.850.

21 (c) Inspect labels attached to electrical installations or products for
22 which a label is required by ORS 479.510 to 479.850.

23 (2) If the Department of Commerce finds that the electrical installa-
24 tion or product fails to comply with minimum safety standards, it may dis-
25 connect or order the disconnection of service thereto.

26 (3) If the Department of Commerce finds that the condition of an
27 electrical installation or product constitutes an immediate hazard to life
28 or property, it may cut or disconnect any wire necessary to remove such
29 hazard.

30 (4) Upon written request of appropriate municipal personnel, the De-
31 partment of Commerce may make inspections of electrical installations
32 and products within [*incorporated cities having by ordinance adopted mini-*
33 *imum safety standards for such installations or products which meet the*
34 *requirements of ORS 479.510 to 479.850*] cities and counties. Such inspec-

1 tions shall be made at cost, in accordance with local municipal ordinances
2 [and building codes] , payable on a monthly basis.

3 (5) For the purpose of discharging any duty imposed by ORS 479.510
4 to 479.850 or exercising authority conferred hereby the Department of
5 Commerce may, during reasonable hours, enter any building, enclosure,
6 or upon any premises where electrical work is in progress, where an
7 electrical installation has been made or where electrical equipment or
8 products may be located. No person shall obstruct or interfere with the
9 Department of Commerce in performance of any of its duties or the exercise
10 of any authority conferred under this section.

11 **SECTION 38.** There hereby is established in the General Fund of the
12 State Treasury the Building Code Account. Except as otherwise provided
13 by law, all moneys appropriated or credited to the Building Code Account
14 hereby are appropriated continuously for and shall be used by the Director
15 of Commerce for the purpose of carrying out the duties and responsibilities
16 imposed upon the Department of Commerce, its officers or divisions, under
17 sections 1 to 29 of this Act, ORS 446.155 to 446.200, 447.010 to 447.140, 460.005
18 to 460.175, 460.310 to 460.380, 479.510 to 479.850, 480.510 to 480.615 and ORS
19 chapter 693.

20 Section 39. ORS 460.175 is amended to read:

21 460.175. All receipts from fees, charges, costs, expenses and fines
22 provided for in ORS 460.005 to 460.175 shall be collected by the [Labor
23 Commissioner] **Department of Commerce** and paid to the State Treasurer
24 on the first day of each month and credited by the State Treasurer to the
25 [Electrical Regulation] **Building Code Account created by section 38 of**
26 **this 1973 Act.** [in the General Fund. The moneys in the Electrical Regulation
27 Account, as may be necessary for paying the expenses for administering
28 and enforcing ORS 460.005 to 460.175, are hereby continuously appropriated
29 for that purpose.]

30 Section 40. ORS 460.370 is amended to read:

31 460.370. All fees collected by the department under ORS 460.310 to
32 460.380 and subsection (2) of ORS 460.990 shall be paid to the State Treas-
33 urer and [become part of] **credited to the Building Code Account created**
34 **by section 38 of this 1973 Act [the General Fund].**

1 Section 41. ORS 479.850 is amended to read:

2 479.850. All receipts from fees, charges, costs, expenses and fines pro-
3 vided for in [section 145, chapter —, Oregon Laws 1971 (Enrolled House
4 Bill 1048) and] ORS 446.175, 460.165, 479.510 to 479.850 and 479.990 when col-
5 lected shall be paid into the General Fund on the first day of each month
6 and credited to the [Regulation] **Building Code** Account created [hereby]
7 by section 38 of this 1973 Act. [The money in the Regulation Account that
8 is necessary for paying the expenses of administering and enforcing section
9 145, chapter —, Oregon Laws 1971 (Enrolled House Bill 1048) and ORS
10 446.175, 460.165, 479.510 to 479.850 and 479.990 is hereby continuously appro-
11 priated for that purpose.]

12 Section 42. ORS 480.610 is amended to read:

13 480.610. All receipts from fees, charges, costs and expenses under
14 ORS 480.510 to 480.615 shall be collected by the Department of Commerce
15 and paid into the State Treasury on the first day of each month for the
16 preceding month, and credited by the State Treasurer to the [Bureau of
17 Labor] **Building Code** Account created by section 38 of this 1973 Act for
18 purposes authorized by law.

19 **SECTION 43.** Section 44 of this Act is added to and made a part of
20 ORS chapter 693.

21 **SECTION 44.** All receipts from fees permitted under ORS 693.050 and
22 693.060 shall be collected by the department and, on the first day of each
23 month for the preceding month, paid into the State Treasury and credited
24 by the State Treasurer to the Building Code Account created by section
25 38 of this 1973 Act.

26 **SECTION 45.** (1) Any money remaining in the Electrical Regulation
27 Account described by ORS 460.175 or the Regulation Account described
28 by ORS 479.850 on the effective date of this Act shall be and hereby is
29 transferred and credited to the Building Code Account created by section
30 38 of this Act.

31 (2) Any money remaining in the State Plumbing Board Account,
32 authorized by ORS 670.335, on the effective date of this Act shall be and
33 hereby is transferred and credited to the Building Code Account created
34 by section 38 of this Act.

1 **SECTION 46.** (1) ORS 447.110 and 447.120, as amended by Senate
2 Bill 77 (1973 regular session), and ORS 447.130 are repealed.

3 (2) Notwithstanding subsection (1) of this section, the provisions of
4 ORS 447.110 and 447.120, as amended by Senate Bill 77 (1973 regular ses-
5 sion), and ORS 447.130 and regulations adopted pursuant thereto shall
6 continue in effect as regulations until superseded, amended or repealed by
7 a plumbing specialty code adopted by the Director of Commerce pursuant
8 to sections 1 to 29 of this Act.

9 Section 47. If Senate Bill 827 (1973 regular session) becomes law,
10 section 39 of this Act is repealed and ORS 460.175, as amended by section
11 17, chapter —, Oregon Laws 1973 (Enrolled Senate Bill 827), is amended
12 to read:

13 460.175. All receipts from fees, charges, costs, expenses and fines pro-
14 vided for in ORS 460.005 to 460.175 shall be collected by the department
15 and paid to the State Treasurer on the first day of each month and credited
16 by the State Treasurer to the [*Elevator Regulation*] **Building Code Ac-**
17 **count** [*hereby*] created [*in the General Fund*] **by section 38 of this 1973**
18 **Act**. [*The moneys in the Elevator Regulation Account, as may be neces-*
19 *sary for paying the expenses for administering and enforcing ORS 460.005*
20 *to 460.175, are hereby continuously appropriated for that purpose.*]

21 Section 48. If Senate Bill 827 (1973 regular session) becomes law, sec-
22 tion 41 of this Act is repealed and ORS 479.850, as amended by section 18,
23 chapter —, Oregon Laws 1973 (Enrolled Senate Bill 827), is amended
24 to read:

25 479.850. All receipts from fees, charges, costs, expenses and fines pro-
26 vided for in ORS 446.175, 479.510 to 479.850 and 479.990 when collected
27 shall be paid into the General Fund on the first day of each month and
28 credited to the [*Regulation*] **Building Code Account** created [*hereby*] by
29 **section 38 of this 1973 Act**. [*The money in the Regulation Account that is*
30 *necessary for paying the expenses of administering and enforcing ORS*
31 *446.175, 479.510 to 479.850 and 479.990 is hereby continuously appropriated*
32 *for that purpose.*]

1 **SECTION 49.** This Act being necessary for the immediate preservation
2 of the public peace, health and safety, an emergency is declared to exist,
3 and this Act takes effect on its passage.



Eng Re Eng
7/14 P-mib
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EK
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Pre Eng
H/ky
and by House Committee
on State & Federal
affairs (June 21)

Eng - RE-ENGROSSED

Senate Bill 73

Ordered by the ^{House} Senate May 14,
(Including Amendments by Senate March 16, and May 14)

Sponsored by Senator GROENER, Representatives ELLIOTT, MARTIN

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.

Approved

Authorizes Director of Commerce, with advice of State Structural Code Advisory Board appointed from involved industries and professions, to adopt, publish and administer building code regulations covering structural standards and standards for mechanical, heating and ventilating devices and equipment, and for prefabricated structures, except as provided by prior existing law. Grants director authority to coordinate administration of building codes. Provides that state structural code supersede municipal structural codes and apply state-wide effective July 1, 1974. Provides for building officials, inspectors and other administrative officers, for department review of local decisions under building code regulations; and for permit fees. Establishes qualifications and provides for certification of building officials and inspectors. **Requires Health Division, rather than State Board of Health, to see that designated provisions regulating plumbing and sewage cesspool work are enforced.** Makes other changes. [Appropriates \$100,000 from General Fund to Department of Commerce for specified biennial expenditure.] **Limits designated biennial expenditures from Building Code Account to \$192,898.** Provides penalties.

Creates Building Code Account and continuously appropriates moneys in account for designated purposes. Provides for collection of certain fees by Department of Commerce. Provides for transfer of certain fees and moneys to Building Code Account. Operative after June 30, 1973.

Declares emergency.

NOTE: Matter in bold face in an amended section is new; matter [italic and bracketed] is existing law to be omitted; complete new sections begin with SECTION.

A BILL FOR AN ACT

1
 2 Relating to property, including but not limited to the regulation of build-
 3 ing construction and the installation of devices and equipment; creating
 4 new provisions; amending ORS 447.020, 447.080, 460.175, 460.370, 476.080,
 5 479.530, 479.540, 479.820, 479.850 and 480.610; appropriating money; limit-
 6 ing expenditures; providing penalties; and declaring an emergency.

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

8 **SECTION 1.** As used in sections 1 to ²⁹ 22 of this Act, unless the context
9 requires otherwise:

10 (1) "Administrator" means the state building code administrator.

11 (2) "Advisory board" means the State Structural Code ¹⁰ "with responsibility
 for assisting in the adoption, amendment or administration of
 a specialty code."

14 ~~ernment otherwise authorized by law to~~
 15 (5) "Prefabricated structure" means a building or structural unit
 16 which has been in whole or substantial part manufactured at an off-
 17 site location to be wholly or partially assembled on site, ^{but does} and shall not in-
 18 clude a mobile home. ^{trailers or recreational vehicle}

19 (7) "Specialty code" means a code of regulations
 adopted under subsection (2) of section 2 of this Act,
 ORS 446.185, subsection (2) of 447.020, ORS 460.085,
 460.360, subsection (1) of 479.730 or ORS 480.535; but
 does not include regulations adopted by the State Fire
 Marshal pursuant to ORS chapter 476 or ORS 479.010 to
 479.200 and 479.210 to 479.220.

28 to govern the construction, reconstruction, alteration and repair of build-
 29 ings and other structures and the installation of mechanical devices and
 30 equipment therein to prescribe and provide for the administration and
 31 amendment of the state code of building construction, which will establish
 32 basic and uniform performance standards providing reasonable safeguards
 33 for health, safety, welfare, comfort and security of the residents of this
 34 state who are occupants and users of buildings, and will provide for the

insert ①

insert ②

①

①

479.155

amending ORS 447.110, 447.120 and 447.130

①

but does

trailers or recreational vehicle

②

②

(2)

(3)

(1)

to

1 use of modern methods, devices, materials, techniques and maximum energy
2 conservation.

3 (2) The regulations adopted pursuant to sections 1 to ²⁹ 22 of this Act
4 shall include structural standards; standards for the installation and use of
5 mechanical, heating and ventilating devices and equipment; and standards
6 for prefabricated structures except mobile homes; and shall, subject to sec-
7 tion 2a of this Act, prescribe reasonable fees for the issuance of building
8 permits and similar documents.

9 (3) Nothing in sections 1 to 22 of this 1973 Act, however, shall be con-
10 strued as derogating in any respect from the statutory jurisdiction and
11 authority of the Workmen's Compensation Board, under ORS chapter 654,
12 to promulgate occupational safety and health standards relating to places
13 of employment, and to administer and enforce all state laws, regulations,
14 rules, standards and lawful orders requiring places of employment to be
15 safe and healthful.

③ (4) Sections 1 to 29 of this Act and any specialty
code do not limit the authority of a municipality to enact
regulations providing for local administration of the state
building code; local appeal boards; fees and other charges;
abatement of nuisances; enforcement through penalties; stop-
work orders or other means; or minimum health, sanitation
and safety standards for governing the use of structures
for housing, except where the power of municipalities to
enact any such regulations is expressly withheld by statute.

28	\$2,001 to \$25,000	\$100 or fraction thereof, to and including \$2,000 \$20 for the first \$2,000 plus \$3 for each additional thousand or fraction thereof, to and including \$25,000
29	\$25,001 to \$50,000	\$89 for the first \$25,000 plus \$2.50 for each addi- tional thousand or fraction thereof, to and includ- ing \$50,000
30		
31	\$50,001 to \$100,000	\$151.50 for the first \$50,000 plus \$1.50 for each additional thousand or fraction thereof, to and
32		
	④ \$100,001 to \$500,000	\$287 for the first \$100,000 plus \$1.50 for each additional thousand or fraction thereof, to and including \$500,000

\$500,000 and up \$887 for the first \$500,000 plus \$1 for each additional thousand or fraction thereof.

inspections and fees where necessary, by the department
Sections 1 to 22 of this Act do not affect

insert ③
#

insert ④
#

1 (2) The fee for ^{examining} checking plans and specifications submitted to the
 2 administrator under section ¹³ of this Act shall be the same as the fee
 3 prescribed for a permit under subsection (1) of this section. However, if
 4 the valuation of the proposed structure or installation exceeds \$1,000, the
 5 fee shall be one-half the amount of the ^{prescribed} permit fee.

⑤ (3) A municipality shall not, for the kind of
 permits provided for by subsection (1) of this section,
 enact or enforce any ordinance, rule or regulation fixing
 any permit fee that is higher than the maximum fee pro-
 vided by this section unless the municipality has the
 prior approval of the director to do so. The director
 shall approve any such fee or fees if he finds, after
 notice and hearing, that the proposed fee or fees are
 reasonable and necessary to provide funds for the munici-
 pality to pay for the expenses of carrying out effective
 enforcement of the specialty code or codes that are its
 responsibility, pursuant to section 10 of this Act, to
 enforce.

bf Section 4. (1) Where a state agency other than the
 Department of Commerce has, prior to the effective date of
 this Act, adopted regulations, rules or standards that
 relate to building construction and installation of equip-
 ment therein, the agency shall review such regulations,
 rules or standards for the purpose of revising or eliminating
 regulations, rules or standards that contradict or are incon-
 sistent with the state building code or that burden the
 public with unnecessary duplication of building codes or
 inspections. Each such state agency shall submit the
 results of its review to the director prior to January 1,
 1975.

(2) The director shall review the reports sub-
 mitted to him pursuant to subsection (1) of this section,
 and shall also review the rules, regulations and standards
 of the Department of Commerce and the laws of this state
 relating to building construction and installation of
 equipment therein to determine if the public is being
 asked to comply with contradictory or inconsistent require-
 ments or is being burdened with unnecessary duplication of
 building codes or inspections. The director shall present
 the results of his review in a report to be submitted to
 the Governor on or before March 1, 1975, or as soon there-
 after as he can reasonably complete it. The report shall
 summarize the statutory or regulatory contradictions,
 inconsistencies and redundancies as he may find and shall
 include his recommendations for the elimination of such
 contradictory, inconsistent or redundant laws and adminis-
 trative acts.

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 Section 6.
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(2) Subsec-
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Section 7
 Structural Code
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29 SECTION 6. Not
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 33 SECTION 7. (1)
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1 (2) The fee for ^{examining} checking plans and specifications submitted to the
2 administrator under section 13 of this Act shall be the same as the fee
3 prescribed for a permit under subsection (1) of this section. However, if
4 the valuation of the proposed structure or installation exceeds \$1,000, the
5 fee shall be one-half the amount of the ^{prescribed} permit fee.

insert 5
7

6 **SECTION 3.** Except as otherwise provided by ORS chapters 446, 447,
7 460, 476, 479 and 480:

8 (1) The director shall coordinate and generally supervise the adoption,
9 administration and enforcement of the state building code.

insert 6
insert

10 (2) The director with ⁶ approval of the appropriate advisory
11 ~~Board shall prepare and~~ approval of the appropriate advisory
boards shall adopt and publish the specialty codes, including
codes of regulations as authorized by subsection (2) of

14 stallation of mechanical devices and equipment therein, governing matters
15 of materials, design and construction, fire protection, health, sanitation,
16 safety and maximum energy conservation.

insert 7
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17 (3) The director with ⁷ approval of the appropriate advisory
boards may amend such codes from time to time. The codes

20 as practicable to model building codes generally accepted and in use
21 throughout the United States. ^{If there is no nationally recognized model code, consider} In the preparation of the codes considera-
22 tion shall be given to the existing specialty codes presently in use in ^{this} the
23 State of Oregon. Such model codes with modifications considered neces-
24 sary and specialty codes may be adopted by reference. The codes so
25 promulgated and any amendments thereof shall be based on the applica-
26 tion of scientific principles, approved tests and professional judgment and,
27 to the extent that it is practical to do so, the codes shall be promulgated
28 in terms of desired results instead of the means of achieving such results,
29 avoiding wherever possible the incorporation of specifications of particular
30 methods or materials. To that end the codes shall encourage the use of
31 new methods, new materials and maximum energy conservation.

lc

insert 8
see
next page

32 **SECTION 4.** (1) Effective July 1, 1974, the state structural code shall
33 apply state-wide and supersede and take the place of the structural code
34 of any municipality.

8
 Section 6. (1) The state building code shall be applicable and uniform throughout this state and in all municipalities therein, and no municipality shall enact or enforce any ordinance, rule or regulation in conflict therewith.

(2) Subsection (1) of this section is operative:

(a) With regard to the state structural code, July 1, 1974.

ue (b) With regard to the state mechanical, heating and ventilating code, on the effective date of such code as determined under ORS 183.355.

(c) With regard to the prefabricated structures code, as provided by sections 26 and 27 of this Act.

ca (d) With regard to each specialty code not named by paragraphs (a) to (c) of this subsection, on the effective date, as determined under ORS 183.355, of the first amendments to such code adopted pursuant to sections 1 to 29 of this Act.

ue Section 7. (1) The director shall appoint a State Structural Code Advisory Board to serve as provided by sections 1 to 29 of this Act. The director may appoint additional advisory boards as needed to carry out the intent of sections 1 to 29 of this Act.

29 SECTION 6. Notwithstanding subsection (2) of section 5 of this Act,
 30 of the members initially appointed to serve on the State Structural Code
 31 Advisory Board approximately one-half shall be appointed for terms of
 32 two years and the others to serve for terms of four years.

33 SECTION 7. (1) Except as otherwise provided by this section, the di-
 34 rector shall be subject to ORS 183.310 to 183.500 in the adoption, amend-

8

~~(2) Other specialty codes adopted by the director pursuant to sections 1 to 22 of this Act shall apply state-wide and shall, on the effective date provided by each such code, supersede and take the place of any similar specialty code of a municipality.~~

~~SECTION 5. (1) The director shall appoint a State Structural Code Advisory Board which shall serve in an advisory capacity to the director in promulgating the structural codes authorized by sections 1 to 22 of this Act, and amendments thereto, and in reviewing decisions made by municipalities appealed to the director under section 14 of this Act. The director may appoint additional advisory boards to carry out the intent of sections 1 to 22 of this Act.~~

State Structural Code Advisory
(2) The board shall consist of the number of members fixed pursuant to ORS 670.340. The assistant to the administrator shall serve as secretary of the board but shall not be a member thereof. Each member shall be appointed to serve a four-year term, commencing July 1 of the year of appointment, and until his successor is appointed and qualified. The membership shall be broadly representative of the industries and professions involved in the development and construction of buildings including representation from building code enforcement agencies, architectural and engineering associations, building construction trades, the contracting and manufacturing industries, governing bodies of local government, fire protection agencies and the general public.

State Structural Code Advisory
(3) The board shall elect its own chairman, adopt rules for its procedure and meet on call of the chairman or majority of the members. A majority of the members shall constitute a quorum to do business. The director shall provide administrative facilities and services for the board.

State Structural Code Advisory
(4) Members of the board shall be entitled to compensation and expenses as provided by ORS 292.495.

7/10
SECTION 6. Notwithstanding subsection (2) of section 5 of this Act, of the members initially appointed to serve on the State Structural Code Advisory Board approximately one-half shall be appointed for terms of two years and the others to serve for terms of four years.

7/10
SECTION 7. (1) Except as otherwise provided by this section, the director shall be subject to ORS 183.310 to 183.500 in the adoption, amend-

1 ment or repeal of regulations authorized by, and in the issuance of orders
2 in contested cases arising under, sections 1 to ²¹22 of this Act.

3 ~~(2) In addition to the notice requirements of ORS 183.335, notice of a
4 public hearing on adoption, amendment or repeal of a regulation auth-
5 orized by sections 1 to 22 of this Act shall be given to the governing
6 bodies of all municipalities and the notice shall state that copies of the
7 proposed action may be obtained at the office of the Department of
8 Commerce.~~

9 (3) The director shall not be required to publish or distribute those
10 parts of a code of regulations adopted by reference. However, the di-
11 rector shall publish with a specialty code and annually thereafter a list
12 of places where copies of those parts of the code adopted by reference
13 may be obtained together with the approximate cost thereof. The director
14 shall file one copy of the complete code with the Secretary of State.
15 However, all standards referred to in any specialty code or any of the
16 modifications thereto need not be so filed. All standards referred to in
17 the code shall be kept on file and available for inspection in the office of
18 the director.

10 ¹⁰ (4) Any interested person may propose amendments to
the state building code, which proposed amendments may be
either applicable to all municipalities or, where it is
alleged and established that conditions exist within a
municipality or some municipalities that are not generally
found within other municipalities, amendments may be
restricted in application to such municipalities. Amend-
ments proposed to the state building code under this sub-
section shall be at least as restrictive as the regulations
contained in the code and shall be in conformity with the
policy and purpose prescribed by section 2 of this Act. The
justification and the particular circumstances requiring
the proposed amendments shall be fully stated in the pro-
posal. The director shall submit all proposed amendments
to the appropriate advisory board. The board shall review
and report its recommendations to the director on the
amendments within 180 days after the date of submission by
him.

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

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33 building permits. Two c

Debate

1 construction of buildings or structures, ¹¹ and shall propose amendments ¹¹ or
intended for use in other activity regulated by the state
building code, and shall, where necessary, ¹¹

5 **SECTION 8.** (1) The director, with the approval of the Governor,
6 shall appoint a state building code administrator, who shall have general
7 supervision over the administration of the state building code regulations
8 that are the general responsibility of the director, including the plumbing,
9 elevator, electrical, mobile home, boiler, amusement ride, structural; me-
10 chanical, heating and ventilating; and prefabricated structures codes. The
11 administrator shall serve at the pleasure of the director and shall be in
12 the unclassified service of the state. He shall perform such other duties as
13 the director may assign.

14 (2) The administrator, with the approval of the director, shall appoint
15 an assistant who shall be responsible for the administration of the struc-
16 tural code. The assistant shall be competent in the field of administration
17 and shall have ^{such experience and professional qualifications} had such previous experience in building design, construc-
18 tion and supervision as the director considers necessary. The assistant may,
19 with the approval of the director, employ inspectors and other personnel
20 as necessary to carry out his function under sections 1 to ²⁹ 22 of this Act.
21 He shall perform such other duties in administering the code as the director
22 may assign.

23 **SECTION 9.** By April 1, 1974, the department shall distribute ^{upon request and} without
24 charge ^{state building} one copy of the structural code to each municipality within the
25 state. The distribution shall not include any parts of the code adopted by
26 reference. Additional copies shall be made available to municipalities and
27 interested ^{persons} parties for such fee as the director shall prescribe.

28 ~~**SECTION 10.** (1) By April 1, 1974, the governing body of each mu-
29 nicipality shall, unless other means are already provided, appoint a person
30 to administer the state building code who shall be known as building
31 official. A building official shall, in the municipality for which appointed,
32 attend to all aspects of code enforcement, including the issuance of all
33 building permits. Two or more municipalities may combine in the appoint-~~

12 Section 12. (1) When a municipality administers and enforces all or part of the plumbing, electrical, structural or mechanical, heating and ventilating codes, the governing body of the municipality shall, unless other means are already provided, appoint a person to administer and enforce such specialty codes or parts thereof, who shall be known as the building official. A building official shall, in the municipality for which he is appointed, attend to all aspects of code enforcement, including the issuance of all building permits. Two or more municipalities may combine in the appointment of a single building official for the purpose of administering the provisions of the code within their communities.

f (2) By May 1, 1974, the governing body of each municipality shall notify the director of the specialty codes or parts thereof that it will administer and enforce beginning July 1, 1974. If parts of specialty codes are to be administered and enforced by a municipality the parts shall correspond to a classification designated by the director as reasonable divisions of work by type of structure or installation, or by complexity of work.

v (3) If a city does not notify the director, or notifies him that it will not administer certain specialty codes or parts thereof, the county or counties in which the city is located shall administer and enforce those

codes or parts thereof within the city in the same manner as it administers and enforces them outside the city, except as provided by subsection (4) of this section.

(4) If a county does not notify the director, or notifies him that it will not administer[#] and enforce certain specialty codes or parts thereof, the administrator shall contract with a municipality or use such state employes or state agencies as are necessary to administer and enforce those codes or parts thereof, and permit or other fees arising therefrom shall be paid into the State Treasury and credited to the account responsible for paying such expenses.

(5) The governing body of a municipality may change its building code administration and enforcement responsibility beginning July 1 of any year by notifying the director by May 1 of such year of the change to be made. Upon such change, responsibility shall be fixed as provided by subsections (3) and (4) of this section.

Section 13. As used in sections 13 to 19 of this Act, unless the context otherwise requires:

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

(2) "Inspector" means a person acting under the authority and direction of a building official and charged

with the responsibility of routine enforcement of any specialty code.

Section 14. (1) In accordance with applicable provisions of ORS chapter 183, to promote effective and uniform enforcement of the state building code by improving the competence of building officials and inspectors, the director, with the advice of the advisory boards, shall:

(a) Establish for building officials and inspectors reasonable minimum training and experience standards, including but not limited to courses or subjects for instruction, facilities for instruction, qualification of instructors, methods of instruction and classification of responsibility.

(b) Establish a procedure to be used by municipalities to determine whether a person meets minimum standards or has minimum training to be appointed or employed as a building official or inspector.

(c) Subject to such terms, conditions and classifications as the director may impose, certify building officials as being qualified, and revoke such certifications in the manner provided in section 19 of this Act.

(d) Subject to such terms, conditions and classifications as the director may impose, certify inspectors as being qualified to enforce one or more particular specialty

codes, and revoke such certifications in the manner provided in section 19 of this Act.

(2) The director shall maintain and, upon request of municipalities, furnish information on applicants for appointment or employment as building officials or inspectors.

(3) Pursuant to ORS chapter 183, the director shall adopt rules necessary to carry out the certification programs provided by this section.

47 Section 15. (1) Upon application, the director or his authorized representative shall examine and evaluate any program or facility established by a municipality or educational institution for the training of building officials and inspectors.

(2) If the director finds that a training program is qualified under the minimum requirements established pursuant to section 14 of this Act, the director shall, in writing, certify the training program as being qualified for such a period of time and upon such conditions as the director may prescribe. An individual complies with any minimum requirement for building officials or inspectors established pursuant to section 14 of this Act when he satisfactorily completes a training program certified under this section.

48 Section 16. After July 1, 1977, no person shall be appointed or employed as a building official or inspector by any municipality unless he has been certified as being

qualified under the provisions of sections 13 to 19 of this Act, and the certification has not lapsed or been revoked.

Section 17. The certification of any building official or inspector who does not serve in such capacity for a period of time in excess of three consecutive months, unless he is on a leave of absence from a municipality and intends to return to his position upon the conclusion of such leave, shall be considered lapsed. Upon reemployment as a building official or inspector, a person whose certification has lapsed may apply for certification in the manner provided in section 18 of this Act.

Section 18. (1) Any person desiring to be certified as a building official or inspector pursuant to sections 13 to 19 of this Act shall make application to the director upon such forms as the director may prescribe for such purpose.

(2) Each person applying for certification pursuant to this section shall pay a fee of \$20. If for any reason the application is withdrawn, or the certification is not granted, one-half of the application fee shall be refunded to the applicant.

(3) Upon determining that the applicant is qualified under the provisions of sections 13 to 19 of this Act, the director shall issue or cause to be issued to the applicant a certificate setting forth the class and any restrictions upon his certification, including, if he is an inspector, the particular specialty codes which he is certified to enforce.

~~1 determine if a person is qualified pursuant to subsection (1) of this
2 section to be a building official or inspector; or~~

~~3 (b) Accept documentation of successful completion of programs of
4 training developed by public agencies, as proof of qualification required
5 by subsection (1) of this section.~~

~~6 (4) Upon a determination of qualification under either paragraph (a)
7 or (b) of subsection (3) of this section, the director shall issue or cause
8 to be issued a certificate to the building official or inspector stating that
9 he is so certified. Each person applying for examination and certification
10 pursuant to this section shall pay a fee of \$20. The director or his designee
11 shall establish classes of certification that will recognize the varying com-
12 plexities of code enforcement in the municipalities within the state. Except
13 as provided by subsection (2) of this section, no person shall act as a
14 building official or inspector for any municipality unless the director deter-
15 mines that he is so qualified. The director shall prepare and conduct edu-
16 cational programs designed to train and assist building officials and
17 inspectors in carrying out their responsibilities and may institute any such
18 program after July 1, 1974.~~

¹⁹ **SECTION 12.** (1) The director may, upon notice and hearing, re-
20 voke the certification of any building official or inspector when it appears
21 to him by competent evidence that the building official or inspector has
22 consistently failed to act in the public interest in the performance of his
23 duties.

¹³ In any revoca-
tion proceeding under this section, the municipality that
employs the building official or inspector shall be entitled
to appear as a party in interest, either for or against
the revocation.

²⁹ utilized in one or more ^{municipalities} municipality to acquire building permits, review
30 and approve the application for the construction or erection of any building
31 or structure if such set of plans meets the requirements of the state building
32 code. All costs incurred by the administrator by virtue of the examination
33 of such a set of plans and specifications shall be paid by the applicant.
34 The plans and specifications or any plans and specifications required to

1 be submitted to a state agency shall be submitted to the administrator
 2 who shall examine the instruments and if necessary distribute them to the
 3 appropriate state agencies for scrutiny regarding adequacy as to fire
 4 safety and all other appropriate features. The state agencies shall examine
 5 and promptly return the plans and specifications together with their
 6 certified statement as to the adequacy of the instruments regarding that
 7 agency's area of concern. Any building official shall issue a building per-
 8 mit upon application and presentation to him of such a set of plans and
 9 specifications bearing the approval of the administrator if the require-

15 of Section 24. (1) A person shall not:

(a) Violate or procure, aid or abet in the violation of any final order concerning the application of a provision of the state building code in a particular case made by the director, an advisory board, a state administrative officer or any local appeals board, building official or inspector.

(b) Engage in or procure, aid or abet any other person to engage in any conduct or activity for which a permit, certificate, label or other formal authorization is required by any specialty code or other regulation promulgated pursuant to sections 1 to 29 of this Act without first having obtained such permit, certificate, label or other formal authorization.

(2) Violation of subsection (1) of this section is a Class B misdemeanor. In the case of a continuing violation, every day's continuance of the violation is a separate offense.

1 be submitted to a state agency shall be submitted to the administrator
 2 who shall examine the instruments and if necessary distribute them to the
 3 appropriate state agencies for scrutiny regarding adequacy as to fire
 4 safety and all other appropriate features. The state agencies shall examine
 5 and promptly return the plans and specifications together with their
 6 certified statement as to the adequacy of the instruments regarding that
 7 agency's area of concern. Any building official shall issue a building per-
 8 mit upon application and presentation to him of such a set of plans and
 9 specifications bearing the approval of the administrator if the require-
 10 ments of all other local ordinances are satisfied.

144 Section 21. (1) Any person who desires to use or
 furnish any material, design or method of construction or
 installation in the state, or any building official, may
 request the director to issue a ruling with respect to the
 acceptability of any material, design or method of con-
 struction about which there is a question under any pro-
 vision of the state building code. Requests shall be in
 writing and, if made by anyone other than a building official,
 shall be made and the ruling issued prior to the use or
 attempted use of such questioned material, design or
 method.

9 (2) In making rulings, the director shall obtain
 the approval of the appropriate advisory board as to
 technical and scientific facts and shall consider the
 standards and interpretations published by the body that
 promulgated any nationally recognized model code adopted
 as a specialty code of this state.

10 (3) A copy of the ruling issued by the director
 shall be certified to the person making the request.
 Additional copies shall be transmitted to all building
 officials in the state. The director shall keep a perman-
 ent record of all such rulings, and shall furnish copies
 thereof to any interested person upon payment of such
 fees as the director may prescribe.

11 (4) A building official or inspector shall approve
 the use of any material, design or method of construction
 approved by the director pursuant to this section if the
 requirements of all other local ordinances are satisfied.

12 Section 22. Any person aggrieved by the final decision
 of a municipal appeals board or a subordinate officer of the
 department as to the application of any provision of a
 specialty code may, within 30 days after the date of the
 decision, appeal to the appropriate advisory board. The
 appellant shall submit a fee of \$20, payable to the director,
 with his request for appeal. The final decision of the
 involved municipality or state officer shall be subject
 to review and final determination by the appropriate
 advisory board as to technical and scientific determin-
 ations related to the application of the specialty code

1 sections 1 to 22 of th
 2 director shall forfeit
 3 civil penalty in an a
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 5 tions within any thre
 6 (2) In the case o
 7 the violation is a sepa
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sections 1 to 22 of this Act or any order, rule, regulation or decision of the
director shall forfeit and pay to the General Fund of the State Treasury a
civil penalty in an amount to be determined by the director of not more
than \$1,000 for each violation, or \$10,000 in the aggregate for all such viola-
tions within any three-month period.

(2) In the case of a continuing violation, every day's continuance of
the violation is a separate violation.

(3) In addition to the civil penalty set forth in subsection (1) of this
section, a person who violates or who procures, aids or abets in the violation
of sections 1 to 22 of this Act or any order, rule, regulation or decision of
the director shall incur a penalty in an amount to be determined by the
director without limitation as to amount except it shall not exceed the
amount by which such person and those acting with such person in the
violation profited by the act or acts of commission or omission found to
be a violation under this subsection.

(4) If the amount of the penalty provided by subsections (1) and (3)
of this section is not paid to the director, the Attorney General shall bring
an action in the name of the State of Oregon in the Circuit Court for Marion
County to recover such penalty.

SECTION 18. (1) For the purpose of defraying the costs of training
and other educational programs administered by the department under
sections 1 to 22 of this Act there is hereby imposed a surcharge in the
amount of one percent of the total building permit fees collected by a
municipality in connection with the construction of, or addition or altera-
tion to, buildings and equipment or appurtenances on and after July 1, 1973.

Insert (16)

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r abet in the violation

(16) (2) Permit surcharges shall be collected by each muni-
cipality and remitted to the administrator. Each municipality
having a population greater than 40,000 shall, on a monthly basis,
prepare and submit to the administrator a report of permits and
certificates issued in each class or category and fees and sur-
charges thereon collected during the month, together with other
statistical information as required by the director concerning
construction activity regulated by the parts of the state build-
ing code administered by the municipality. All other municipal-
ities shall submit such a report on a quarterly basis. The
report, which shall be in a form prescribed by the director,
shall be submitted, together with a remittance covering the
surcharges collected, by no later than the 15th day following
the month or quarter in which the surcharges are collected.

(3) All surcharges and other fees prescribed by sections
1 to 29 of this Act and payable to the department, except fees
received under subsection (4) of section 12 of this Act, shall
be deposited by the director in the State Treasury for credit
to the Building Code Account created by section 38 of this
Act.

~~1 All surcharges and other fees prescribed by sections 1 to 22 of this Act,
 2 which are payable to the state, except receipts referred to by subsection
 3 (2) of section 10 of this Act, shall be paid to the director who shall de-
 4 posit such funds in the State Treasury for credit to the Building Code
 5 Account created by section 34 of this Act.~~

6 **SECTION ²⁶19.** On the effective date on which regulations promulgated
 7 by the director regarding prefabricated structures are given the force
 8 and effect of law, ^{under ORS 113.355} this section and section ²⁷20 of this Act shall expire and
 9 have no force and effect. Until such time as the director adopts such
 10 regulations, the rules set forth in section ^{27 of this Act} 20 shall be a part of the ^{state building} code
 11 and govern the regulation of prefabricated structures.

12 **SECTION ²⁷20.** (1) Rule 1. General.

13 (a) Purpose. The purpose of these rules is to regulate materials and
 14 establish methods of safe construction where any structure or portion
 15 thereof is wholly or partially prefabricated.

16 (b) Scope. Unless otherwise specifically stated, all prefabricated con-
 17 struction and all materials used therein shall conform to all requirements
 18 of this code, except as otherwise noted.

19 (c) Definitions.

^{insert (17)}
 #
 (17) (A) "Code" means the requirements, standards, rules and
 regulations set forth in this section.

23 site, and the process of affixing the structure to land, a foundation, footings
 24 or an existing building.

25 (2) Rule 2. Tests and materials. Every approval of a material not
 26 specifically mentioned in this code may incorporate as a proviso the kind
 27 and number of tests to be made during prefabrication.

28 (3) Rule 3. Tests of assemblies. The state building code administra-
 29 tor may require special tests to be made on prefabricated structures to
 30 determine their durability and weather resistance.

31 (4) Rule 4. Connections. Every device designed to connect prefabri-
 32 cated assemblies shall be capable of developing the strength of the mem-
 33 bers connected, except in the case of members forming part of structural

1 frame designed as specified in other parts of the code. The connection
2 device shall be designed as required by the other parts of the code.

3 (5) Rule 5. Pipes and conduits. In structural design, due allowances
4 shall be made for any material to be removed for the installation of pipes,
5 conduits or other equipment or for on-site inspection.

6 (6) Rule 6. Certificate and inspection of materials and manufacture.

7 (a) Before any material is delivered to the site, the manufacturer shall
8 submit complete details, drawings and specifications of the assembly for
9 the approval of the state building code administrator. No prefabricated
10 structure shall be sold, offered for sale or installed in the state and no
11 permit shall be issued with respect to a building consisting in whole or
12 part of a prefabricated structure unless the materials therein and manu-
13 facture thereof have been certified by the administrator to be in com-
14 pliance with the code. The administrator shall make such inspections
15 as necessary to insure compliance and may send inspectors into other
16 states to inspect the manufacture of prefabricated structures to be sold,
17 offered for sale or installed in the State of Oregon. All costs incurred by the
18 administrator by virtue of the inspection of materials and manufacture
19 shall be paid by the involved manufacturer. Following inspection and pay-
20 ment by the manufacturer of the costs arising therefrom the administrator
21 shall issue a certification with respect to each prefabricated structure con-
22 sidered to be in compliance with the code and a copy of the certificate
23 shall be affixed to the structure or part thereof. The certification by the
24 administrator that a prefabricated structure complies with the code shall
25 be conclusive on all agencies and instrumentalities of the state, its political
26 subdivisions and municipalities. The administrator shall require a certifi-
27 cate from the manufacturer which shall:

28 (A) Identify the manufacturer of the prefabricated structure or com-
29 ponent of the prefabricated structure.

30 (B) Identify, by serial number or otherwise, the particular prefabricat-
31 ed structure or component of the prefabricated structure being certified
32 as in compliance with the code.

33 (C) Certify that the materials used in the manufacture of prefabricated

1 structures or component of the prefabricated structures are in compliance
2 with the code.

3 (b) After certification no changes in or modifications to the pre-
4 fabricated structure or part thereof may be made by the manufacturer
5 without the approval of the administrator.

6 (7) Rule 7. On-site assembly and installation. The installation of pre-
7 fabricated structures shall comply with the provisions of the code and
8 shall be subject to the inspection of the building official of the jurisdiction
9 in which the site is situated.

10 (8) Rule 8. Continuous inspection. If continuous inspection is re-
11 quired for certain materials where construction takes place on site, it
12 shall be required where the same materials are used in prefabricated
13 construction.

14 **SECTION 21.** For the purposes of the codes of regulations adopted
15 under sections 1 to 22 of this Act, unless the context clearly indicates
16 otherwise, the following substitutions shall be made in any code adopted
17 by reference as part of the state building code:

- 18 (1) "Building official" for "administrative authority."
- 19 (2) "Governing body" for "mayor" and "city council."
- 20 (3) "Municipality" for "city."

21 **SECTION 22.** If the director determines that the standards for pre-
22 fabricated structures prescribed by statute, rule or regulation of another
23 state are at least equal to the regulations prescribed under sections 1 to 22
24 of this Act, and that such standards are actually enforced by such other
25 state, he may provide by regulation that prefabricated structures approved
26 by such other state shall be deemed to have been approved by the director.

27 **SECTION 23.** Notwithstanding the provisions of any other law, the sum
28 of \$192,898 is established for the biennium beginning July 1, 1973, as the
29 maximum limit for the payment of expenses out of the Building Code
30 Account in the General Fund, created by section 34 of this Act, for the
31 purpose of carrying out the provisions of sections 1 to 22 of this Act.

32 ~~Section 24. ORS 447.020 is amended to read:~~

33 ~~447.020. (1) All installations of plumbing and drainage in buildings
34 and structures in this state and all potable water supply, drainage, and~~

delete

1 ~~waste installations, within or serving buildings or structures, except in~~
 2 ~~temporary construction camps, and except as otherwise provided in ORS~~
 3 ~~447.010 to 447.140, shall be made in accordance with the requirements of~~
 4 ~~ORS 447.010 to 447.140.~~

5 (2) The [board] Health Division is required to see that ORS 447.010 to
 6 447.140 and ORS 447.990 are enforced and may in accordance with ORS
 7 183.330 adopt, amend or repeal regulations setting minimum standards
 8 for sewage cesspool work including septic tanks, disposal fields and dry
 9 wells, sewage pumping equipment, tank trucks, identification of tank trucks
 10 and workmen, and disposal of septic tank and cesspool sludge.

Debate

11 (3) The Director of Commerce shall make regulations for the purpose
 12 of setting standards for plumbing and defining compliance with the pro-
 13 visions of ORS 447.010 to 447.140 particularly pertaining to installation
 14 of piping, protection and adequacy of the water supply, workmanship and
 15 materials, traps and cleanouts, domestic hot water storage tanks and de-
 16 vices, drinking fountains, approval of devices, equipment and fixtures,
 17 hangers and supports, drainage and venting, house drains and house sew-
 18 ers, stormwater drains, special wastes, light and ventilation of water
 19 closets and bathrooms, and excavation and grading. **Subsection (3) of**
 20 **section 3 and subsection (4) of section 7 of this 1973 Act apply to the**
 21 **amendment of regulations adopted under this subsection.**

22 Section ³¹ 25. ORS 447.080 is amended to read: *1973 (Senate Bill 77), Oregon Law*
 23 447.080. Nothing in ORS 447.010 to 447.140 prevents any city or county
 24 from enacting and enforcing ordinances or building codes for the regu-
 25 lation of the business of master plumbing, ~~or sewage cesspool work,~~ or
 26 which prescribe the manner in which [plumbing and] drainage work shall
 27 be installed in such city or county, except that such ordinances or codes
 28 shall not prescribe a lower standard of installation of [plumbing and]
 29 drainage work ~~or sewage cesspool work~~ than that prescribed in ORS
 30 447.010 to 447.140. ~~Regulations adopted pursuant to subsection (3) of~~
 31 ~~ORS 447.020 shall supersede and take the place of any city or county ordi-~~
 32 ~~nance regulating plumbing.~~

33 ~~Note: Section 26 was deleted by amendment.~~

1 Section ³²27. ORS 476.080 is amended to read:

2 476.080. (1) The State Fire Marshal and his deputies, at all reasonable
3 hours, may enter into all buildings and upon all premises, except private
4 residences, for the purpose of inspection to ascertain if fire hazards exist
5 therein or thereon. **Owners of private residences may request a fire in-**
6 **spection of their property.**

7 (2) No person shall interfere with or prevent any such inspection
8 by such officers.

9 (3) When any person interferes with or prevents the State Fire Marshal
10 or his deputies from making the inspection mentioned herein, the officer
11 shall apply to the district attorney of the county wherein the inspection
12 was made or attempted to be made, for a warrant for the arrest of the
13 offending person, and it shall be the duty of such district attorney forth-
14 with to prosecute such offending person.

Section 33. ORS 479.155 is amended to read:

18 479.155. (1) As used in this section:

"(a) 'Director' means the Director of Commerce.

"(b) 'Administrator' means the state building code adminis-
trator appointed pursuant to subsection (1) of section 10 of this
1973 Act.

20 [(1)] (2) Prior to construction or alteration of a hospital,
21 public building as defined in paragraph (i) of subsection (1) of
22 ORS 479.010, public garage, dry cleaning establishment, apartment
23 house, hotel, bulk oil storage plant, school, institution as de-
24 fined in ORS 479.210, or any other building or structure regu-
25 lated by the State Fire Marshal for use and occupancy or requiring
26 approval by the State Fire Marshal pursuant to statute, the
27 owner shall submit to the [State Fire Marshal] administrator
28 two copies of a plan or sketch showing the location of the
29 building or structure with relation to the premises, distances,
30 lengths and details of construction as the [State Fire Marshal]
31 director shall require. Such filing shall not be required with
32 respect to any such building or structure in any area exempted
33 by order of the State Fire Marshal pursuant to ORS 476.030.
34 Approval of such plans by the administrator shall be con-
sidered approval by the State Fire Marshal, and shall satisfy
any statutory provision requiring approval by the State Fire
Marshal.

[(2)] (3) A declaration of the value of the proposed
construction or alteration and the appropriate fee required under
section 3 of this 1973 Act shall accompany the plan or sketch.

However, the determination of value or valuation [under any
of the provisions of this code] shall be made by the [State
Fire Marshal or deputy state fire marshal] director or his
authorized assistant.

[(3)] A plan examination fee shall be paid to the State Fire
Marshal as follows:]

TOTAL VALUATION	FEE
[Less than \$20.....]	No Fee

1 (b) An electric
2 under subsection (2)
3 (c) A gas using
4 lished list of Ameri
5 as complying with
6 been decertified.
7 (5) "Competen
8 service of [an inco
9 required by ORS
10 installation covere
11 (6) "Electrical
12 tenance and repair
13 ated thereby, exc
14 panies.
15 (7) "Electrical
16 material, device or
17 (8) "Househol
18 farming irrigation
19 wiring in residenc
20 (9) "Label" n
21 competent inspe
22 electrical contrac
23 installation propo
24 Commerce] signe
25 (10) "License
26 Commerce under
27 as licensee thereo
28 journeyman or a
29 (11) "Minimu
30 by the Departme
31 ORS 479.720.
32 (12) "Person
33 partnerships and
34 (13) "Servin

Marshal.

¶[(2)] (3) A declaration of the value of the proposed construction or alteration and the appropriate fee required under section 3 of this 1973 Act shall accompany the plan or sketch.

However, the determination of value or valuation [under any of the provisions of this code] shall be made by the [State Fire Marshal or deputy state fire marshal] director or his authorized assistant.

¶[(3)] A plan examination fee shall be paid to the State Fire Marshal as follows:]

<u>TOTAL VALUATION</u>	<u>FEE</u>
[Less than \$20.....]	[No Fee]
[\$20, to and including \$100.....]	[\$.50]
[More than \$100, to and including \$400.....]	[.75]
[More than \$400, to and including \$700.....]	[1.25]
[More than \$700, to and including \$1,000.....]	[1.50]
[Each additional \$1,000 or fraction, to and including \$25,000.....]	[.75]
[Each additional \$1,000 or fraction, to and including \$50,000.....]	[.60]
[Each additional \$1,000 or fraction, to and including \$100,000.....]	[.40]
[Each additional \$1,000 or fraction, more than \$100,000.....]	[.25]

¶(4) The [State Fire Marshal] administrator or his staff shall be furnished with not less than two accurate copies of the plan or sketch and details for the purpose of ascertaining compliance with applicable fire prevention and protection statutes and regulations. The plan examiner shall indicate on the plan or sketch and in writing his approval or disapproval and conditions for approval of the construction or alteration. One copy of the plan or sketch shall be retained by the [State Fire Marshal] administrator and one copy shall be returned to the applicant. No building or structure referred to in subsection (2) of this section shall be erected or constructed without approval by the [State Fire Marshal or his deputy] administrator if the building or structure requires approval by the State Fire Marshal. After such approval or issuance of the required permit, construction or alteration shall comply with the plan or sketch in all respects unless modified by subsequent permit or order of the [State Fire Marshal] director or his authorized assistant.

¶(5) The approval of a plan or sketch shall not be construed to be a permit for, or an approval of, any violation of any statute or regulation or the applicable ordinances and regulations of any governmental subdivision of the state. The approval of the plan or sketch shall not be construed as an approval for noncompliance with fire marshal regulations. Any condition upon approval or disapproval shall be deemed an order subject to appeal as other orders are appealable.

1 (b) An electrical product certified by the Department of Commerce
2 under subsection (2) of ORS 479.760 which has not been decertified.

3 (c) A gas using device, with electrical components, listed in the pub-
4 lished list of American Gas Association Laboratories, dated January 1, 1959,
5 as complying with American Standard Requirements and which has not
6 been decertified.

7 (5) "Competent inspection service" means the electrical inspection
8 service of [*an incorporated city with safety standards not lower than those*
9 *required by ORS 479.510 to 479.850 as they apply to the type of electrical*
10 *installation covered by the city ordinance*] a ~~municipality~~ ^{*city or county*}.

11 (6) "Electrical installations" include construction, installation, main-
12 tenance and repair of electrical wiring and electrical equipment to be oper-
13 ated thereby, except communication and signal systems of railroad com-
14 panies.

15 (7) "Electrical product" includes any electrical equipment, appliance,
16 material, device or apparatus to convey or be operated by electrical current.

17 (8) "Household appliance label" includes labels for installation of
18 farming irrigation pumps, household appliances and additions to electric
19 wiring in residences.

20 (9) "Label" means a card signed by the Director of Commerce or a
21 **competent inspection service of a municipality** and issued to an
22 electrical contractor or property owner indicating that the electrical
23 installation proposed has been tentatively approved by the [*Director of*
24 *Commerce*] **signer** as meeting the minimum safety standards.

25 (10) "License" means an annual permit issued by the Department of
26 Commerce under ORS 479.630 authorizing the person whose name appears
27 as licensee thereon to act as an electrical contractor, supervising electrician,
28 journeyman or apprentice electrician as indicated thereon.

29 (11) "Minimum safety standards" means safety standards prescribed
30 by the Department of Commerce under ORS 479.730, except as provided in
31 ORS 479.720.

32 (12) "Persons" includes individuals, corporations, associations, firms,
33 partnerships and joint stock companies.

34 (13) "Serving agency" means a person principally engaged in the

1 business of generating or selling electricity in connection with the con-
2 struction or maintenance of electrical lines, wires or equipment.

3 (14) "Uncertified product" includes all electrical products which are
4 not certified.

5 Section ³⁶29. ORS 479.540 is amended to read:

6 479.540. (1) No person is required to obtain a license to make an
7 electrical installation on property which is owned by himself or a mem-
8 ber of his immediate family, and not presently intended for sale.

9 (2) No electrical contractor license is required in connection with
10 an electrical installation:

11 (a) Of meters and similar devices by a serving agency for measuring
12 electricity.

13 (b) Of ignition or lighting systems for motor vehicles.

14 (c) To be made by a person on his property in connection with his busi-
15 ness.

16 (d) To be made by a public utility or municipality for generation,
17 transmission or distribution of electricity on property which it owns or
18 manages.

19 (3) No person whose sole business is generating or selling electricity
20 in connection with the construction or maintenance of electrical lines,
21 wires or equipment, is required to obtain a certificate of registration or
22 license to transform, transmit or distribute electricity from its source to
23 the service head of the premises to be supplied thereby.

24 [(4) *No label is required for electrical installation made within the*
25 *limits of an incorporated city maintaining a competent inspection service*
26 *providing the electrical installation is of a type covered by the city ordi-*
27 *nance.*]

28 [(5)] (4) No certificate of registration is required to sell, dispose of
29 by gift or otherwise any electrical product within the limits of [*incorpo-*
30 *rated*] ^{*cities*} ~~cities~~ ^{*and counties*} ~~and counties~~ ^{*municipalities*} ~~municipalities~~ maintaining a competent inspection service and
31 making periodical inspections of electrical stock of dealers in electrical
32 products.

33 [(6)] (5) No certificate of registration or license is required for tem-
34 porary demonstrations.

resolves

1 [(7)] (6) The provisions of ORS 479.510 to 479.850 shall not apply to
2 electrical products owned by, supplied to, or to be supplied to public
3 utilities as defined in ORS 757.005, nor to electrical installations made by or
4 for such a public utility where the electrical installations are an integral
5 part of the equipment of such utility.

6 [(8)] (7) No label is required for the repair, alteration or replace-
7 ment of existing electrical equipment of an industrial plant.

8 [(9)] (8) In cases of emergency in industrial plants no label is re-
9 quired in advance for electrical installation made by a person licensed
10 under subsections (2), (4) and (6) of ORS 479.630 if an application accom-
11 panied by appropriate fee for a label is submitted to the Department of
12 Commerce within five days after the commencement of such electrical
13 work.

14 [(10)] (9) No person is required to obtain a license or label to set
15 in place a certified electrical product or make a connection therefrom to
16 services and facilities other than electrical.

17 Section 30. ORS 479.820 is amended to read:

18 479.820. (1) The Department of Commerce shall:

19 (a) Check the authenticity, appropriateness and expiration dates of
20 licenses and certificates of registration issued under ORS 479.510 to 479.850.

21 (b) Inspect electrical installations and products for which a label,
22 license or certificate of registration is required by ORS 479.510 to 479.850.

23 (c) Inspect labels attached to electrical installations or products for
24 which a label is required by ORS 479.510 to 479.850.

25 (2) If the Department of Commerce finds that the electrical installa-
26 tion or product fails to comply with minimum safety standards, it may dis-
27 connect or order the disconnection of service thereto.

28 (3) If the Department of Commerce finds that the condition of an
29 electrical installation or product constitutes an immediate hazard to life
30 or property, it may cut or disconnect any wire necessary to remove such
31 hazard.

32 (4) Upon written request of appropriate municipal personnel, the De-
33 partment of Commerce may make inspections of electrical installations
34 and products within [*incorporated cities having by ordinance adopted mini-*

1 *imum safety standards for such installations or products which meet the*
 2 *requirements of ORS 479.510 to 479.850]* ~~municipalities~~. Such inspections
 3 shall be made at cost, in accordance with local municipal ordinances
 4 [*and building codes*], payable on a monthly basis.

5 (5) For the purpose of discharging any duty imposed by ORS 479.510
 6 to 479.850 or exercising authority conferred hereby the Department of
 7 Commerce may, during reasonable hours, enter any building, enclosure,
 8 or upon any premises where electrical work is in progress, where an
 9 electrical installation has been made or where electrical equipment or
 10 products may be located. No person shall obstruct or interfere with the
 11 Department of Commerce in performance of any of its duties or the exercise
 12 of any authority conferred under this section.

13 ~~SECTION 31. Section 32 of this Act is added to and made a part of~~
 14 ~~ORS 479.510 to 479.850.~~

Deleted
 15 ~~SECTION 32. Rules adopted under ORS 479.510 to 479.850 may be~~
 16 ~~amended in accordance with ORS 479.730, 479.740 and subsection (3) of~~
 17 ~~section 7 of this 1973 Act.~~

18 ~~SECTION 33. Section 34 of this Act is added to and made a part of~~
 19 ~~ORS 184.520 to 184.570.~~

uc
 20 ~~SECTION 34.~~ ³² There hereby is established in the General Fund of the
 21 State Treasury the Building Code Account. Except as otherwise provided
 22 by law, all moneys appropriated or credited to the Building Code Account
 23 hereby are appropriated continuously for and shall be used by the director ^{of Commerce}
 24 for the purpose of carrying out the duties and responsibilities imposed upon
 25 the Department of Commerce, its officers or divisions, under ^{section 17.21 of this Act,} ORS 446.155
 26 to 446.200, 447.010 to 447.140, 460.005 to 460.175, 460.310 to 460.380, 479.510
 27 to 479.850, 480.510 to 480.615 and ORS chapter 693.

28 ³⁴ Section 35. ORS 460.175 is amended to read:

29 460.175. All receipts from fees, charges, costs, expenses and fines
 30 provided for in ORS 460.005 to 460.175 shall be collected by the [*Labor*
 31 *Commissioner*] **Department of Commerce** and paid to the State Treasurer
 32 on the first day of each month and credited by the State Treasurer to the
 33 [*Electrical Regulation*] **Building Code Account created by section 34**
 34 **this 1973 Act** in the General Fund. [*The moneys in the Electrical Regulation*

1 Account, as may be necessary for paying the expenses for administering
 2 and enforcing ORS 460.005 to 460.175, are hereby continuously appropriated
 3 for that purpose.]

4 Section ⁴⁰36. ORS 460.370 is amended to read:

5 460.370. All fees collected by the department under ORS 460.310 to
 6 460.380 and subsection (2) of ORS 460.990 shall be paid to the State Treas-
 7 urer and [become part of] **credited to the Building Code Account created**
 8 **by section ³⁸34 of this 1973 Act in** the General Fund.]

9 Section ⁴¹37. ORS 479.850 is amended to read:

10 479.850. All receipts from fees, charges, costs, expenses and fines pro-
 11 vided in [section 145, chapter —, Oregon Laws 1971 (Enrolled House Bill
 12 1048) and] ORS 446.175, 460.165, 479.510 to 479.850 and 479.990 when col-
 13 lected shall be paid into the General Fund on the first day of each month
 14 and credited to the [Regulation] **Building Code Account created [hereby]**
 15 **by section ³⁸34 of this 1973 Act**. [The money in the Regulation Account that
 16 is necessary for paying the expenses of administering and enforcing section
 17 145, chapter —, Oregon Laws 1971 (Enrolled House Bill 1048) and ORS
 18 446.175, 460.165, 479.510 to 479.850 and 479.990 is hereby continuously appro-
 19 priated for that purpose.]

20 Section ⁴²38. ORS 480.610 is amended to read:

21 480.610. All receipts from fees, charges, costs and expenses under
 22 ORS 480.510 to 480.615 shall be collected by the Department of Commerce
 23 and paid into the State Treasury on the first day of each month for the
 24 preceding month, and credited by the State Treasurer to the [Bureau of
 25 Labor] **Building Code Account created by section ³⁸34 of this 1973 Act** for
 26 purposes authorized by law.

27 **SECTION ⁴³39.** Section ⁴⁴40 of this Act is added to and made a part of
 28 ORS chapter 693.

29 **SECTION ⁴⁴40.** All receipts from fees permitted ^{by} ORS 693.050 and
 30 693.060 shall be collected by the department and, on the first day of each
 31 month for the preceding month, paid into the State Treasury and credited
 32 by the State Treasurer to the Building Code Account created by section
 33 ³⁴34 of this 1973 Act.

34 ~~**SECTION 41. (1) Sections 34 and 40 of this Act and the amendments**~~

1 to ORS 460.175, 460.370, 479.850 and 480.610, enacted by sections 35 to 38 of

2 this Act shall be operative after June 30, 1973.

3 ^{Sec 1192 45-01} (2) Any money remaining in the Electrical Regulation Account de-
4 scribed by ORS 460.175 or the Regulation Account described by ORS 479.850
5 on June 30, 1973, shall be and hereby is transferred and credited to the
6 Building Code Account created by section ³⁸ 34 of this Act.

7 ⁽²⁾ (3) Any money remaining in the State Plumbing Board Account,
8 authorized by ORS 670.335, on June 30, 1973, shall be and hereby is trans-
9 ferred and credited to the Building Code Account created by section ³⁸ 34 of
10 this Act.

11 ¹⁷ Section 46. (1) ORS 447.110 ^{and} 447.120, and ~~447.130~~, as
12 amended by Senate Bill 77 (1973 regular session), ^{and ORS 447.130} are repealed.

13 (2) Notwithstanding subsection (1) of this section,
14 the provisions of ORS 447.110 ^{and} 447.120, and ~~447.130~~, as amended
15 by Senate Bill 77 (1973 regular session), ^{and ORS 447.130} and regulations
16 adopted pursuant thereto shall continue in effect as regulations
17 until superseded, amended or repealed by a plumbing specialty
18 code adopted by the Director of Commerce pursuant to sections 1
19 to 29 of this Act.

20 Section 47. If Senate Bill 827 (1973 Regular Session)
21 becomes law, section 39 of this Act is repealed and ORS 460.175,
22 as amended by section 17, chapter ____, Oregon Laws 1973
23 (Enrolled Senate Bill 827), is amended to read:

24 460.175. All receipts from fees, charges, costs,
25 expenses and fines provided for in ORS 460.005 to 460.175
26 shall be collected by the department and paid to the
27 State Treasurer on the first day of each month and credited
28 by the State Treasurer to the [Elevator Regulation] Build-
29 ing Code Account [hereby] created [in the General Fund] by
30 section 38 of this 1973 Act. [The moneys in the Elevator
31 Regulation Account, as may be necessary for paying the
32 expenses for administering and enforcing ORS 460.005 to
33 460.175, are hereby continuously appropriated for that pur-
34 pose].

35 Section 48. If Senate Bill 827 (1973 regular session)
36 becomes law, section 41 of this Act is repealed and ORS
37 479.850, as amended by section 18, chapter ____, Oregon Laws
38 1973 (Enrolled Senate Bill 827), is amended to read:

39 479.850. All receipts from fees, charges, costs,
40 expenses and fines provided for in ORS 446.175, 479.510
41 to 479.850 and 479.990 when collected shall be paid into
42 the General Fund on the first day of each month and credited
43 to the [Regulation] Building Code Account created [hereby]
44 by section 38 of this 1973 Act. [The money in the Regulation
45 Account that is necessary for paying the expenses of admin-
46 istering and enforcing ORS 446.175, 479.510 to 479.850 and
47 479.990 is hereby continuously appropriated for that pur-
48 pose.]¹²

Revised
9/11/73
MFB
R -

Re- ENGROSSED

Senate Bill 73

Ordered by the Senate March 16 ^{May 14}
(Including Amendments by Senate March 16) ^{and May 14}

Sponsored by Senator GROENER, Representatives ELLIOTT, MARTIN

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.

Revised

Authorizes Director of Commerce, with advice of State *[Building]* **Structural Code Advisory Board** appointed from involved industries and professions, to adopt, publish and administer building code regulations covering structural standards and standards for mechanical, heating and ventilating devices and equipment, and for prefabricated structures, except as provided by prior existing law. Grants director authority to coordinate administration of building codes. Provides that state structural code supersede municipal structural codes and apply state wide effective July 1, 1974. Provides for building officials, inspectors and other administrative officers, for department review of local decisions under building code regulations; and for permit fees. Establishes qualifications and provides for certification of building officials and inspectors. Makes other changes. Appropriates \$100,000 from General Fund to Department of Commerce for specified biennial expenditure. Provides penalties.

Declares emergency.

NOTE: Matter in bold face in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted; complete new sections begin with SECTION.

8+E

A BILL FOR AN ACT

1
 2 Relating to property, including but not limited to the regulation of build-
 3 ing construction and the installation of devices and equipment; creating
 4 new provisions; amending ORS 447.020, 447.080, ^{460.175, 460.370,} 476.080, 479.530, 479.540,
 5 and 479.820; ^{479.250 and 480.010 limiting expenditures;} appropriating money; providing penalties; and declaring
 6 an emergency.

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

8 **SECTION 1.** As used in sections 1 to 22 of this Act, unless the context
 9 requires otherwise:

- 10 (1) "Administrator" means the state building code administrator.
- 11 (2) "Advisory board" means the State Structural Code Advisory Board.
- 12 (3) "Director" means the Director of Commerce.
- 13 (4) "Municipality" means a city, county or other agency of local gov-
 14 ernment otherwise authorized by law to enact a building code.
- 15 (5) "Prefabricated structure" means a building or structural unit
 16 which has been in whole or substantial part manufactured at an off-
 17 site location to be wholly or partially assembled on site, and shall not in-
 18 clude a mobile home.
- 19 (6) "Specialty codes" shall include the codes that now exist and are
 20 provided by ORS chapters 446, 447, 460, 476, 479 and 480.
- 21 (7) "State building code" means the combined specialty codes or any
 22 amendments thereof promulgated or administered by the director.
- 23 (8) "Structural code" means rules and regulations governing structural
 24 standards for building construction or amendments thereof promulgated or
 25 administered by the director.

26 **SECTION 2.** (1) Sections 1 to 22 of this Act are enacted to enable the
 27 Director of Commerce to promulgate and administer a state building code
 28 to govern the construction, reconstruction, alteration and repair of build-
 29 ings and other structures and the installation of mechanical devices and
 30 equipment therein to prescribe and provide for the administration and
 31 amendment of the state code of building construction, which will establish
 32 basic and uniform performance standards providing reasonable safeguards
 33 for health, safety, welfare, comfort and security of the residents of this
 34 state who are occupants and users of buildings, and will provide for the
 use of modern methods, devices, materials and techniques ^{and maximum} _{energy conservation}

*Insert 1
run in*

1 (2) The regulations adopted pursuant to sections 1 to 22 of this Act
2 shall include structural standards; standards for the installation and use of
3 mechanical, heating and ventilating devices and equipment; and standards
4 for prefabricated structures except mobile homes; and shall ^{① ②} ~~presc~~ subject
to section 2a of this Act, prescribe reasonable fees for the issuance
of building permits and similar documents."

5 (3) NOTHING IN THIS ACT, HOWEVER, SHALL BE CONSTRUED AS AEROGATING
6 in any respect from the statutory jurisdiction and authority of the Work-
7 men's Compensation Board, under ORS chapter 654, to promulgate occupa-
8 tional safety and health standards relating to places of employment, and
9 to administer and enforce all state laws, regulations, rules, standards and
10 lawful orders requiring places of employment to be safe and healthful.

Insert 2

*24 ✓
X*

"Section 2a. (1) Fees shall be prescribed as required by section
2 of this Act for permits for the construction, reconstruction, alteration
and repair of prefabricated structures, buildings and other structures
and the installation of mechanical heating and ventilating devices and
equipment. The fees shall be based on the total valuation of the proposed
structure or installation, shall not exceed the maximum fees set out in
the following schedule and shall not be effective until approved by the
Executive Department.

Table

TOTAL VALUATION	MAXIMUM FEE
\$1 to \$500	\$5
\$501 to \$2,000	\$5 for the first \$500 plus \$1 for each additional \$100 or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	\$20 for the first \$2,000 plus \$3 for each additional thousand or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$89 for the first \$25,000 plus \$2.50 for each additional thousand or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$151.50 for the first \$50,000 plus \$1.50 for each additional thousand or fraction thereof, to and including \$100,000
\$100,001 and up	\$226.50 for the first \$100,000 plus \$1 for each additional thousand or fraction thereof.

Table

11 (2) The fee for checking plans and specifications
12 submitted to the administrator under section 13 of this
Act shall be the same as the fee prescribed for a permit
under subsection (1) of this section. However, if the valuation of
the proposed structure or installation exceeds \$1,000, the fee shall
be one-half the amount of the permit fee."

regulation of build-
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175, 460, 370,
80, 479.530, 479.540,
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energy conservation

Insert 1

1 (2) The regulations adopted pursuant to sections 1 to 22 of this Act
2 shall include structural standards; standards for the installation and use of
3 mechanical, heating and ventilating devices and equipment; and standards
4 for prefabricated structures except mobile homes; and shall ^① ~~prescribe~~ ^②, subject
to section 2a of this Act, prescribe reasonable fees for the issuance
of building permits and similar documents. ^u

5 (3) NOTHING IN THIS 1975 ACT, HOWEVER, SHALL BE CONSTRUED AS DEROGATING
8 in any respect from the statutory jurisdiction and authority of the Work-
9 men's Compensation Board, under ORS chapter 654, to promulgate occupa-
10 tional safety and health standards relating to places of employment, and
11 to administer and enforce all state laws, regulations, rules, standards and
12 lawful orders requiring places of employment to be safe and healthful.

Insert ②

13 **SECTION 3.** Except as otherwise provided by ORS chapters 446, 447,
14 460, 476, 479 and 480:

Insert ③

15 (1) The director has the power of general supervision over and shall

③ 4 (1) The director shall coordinate and generally supervise the
adoption, ^u *revised*

16 The director with the advice of the State Structural Code Advisory
19 Board shall prepare and publish codes of regulations as authorized by
20 section 2 of this Act providing standards for the construction, reconstruc-
21 tion, alteration and repair of buildings and other structures and the in-
22 stallation of mechanical devices and equipment therein, governing matters
23 of materials, design and construction, fire protection, health, sanitation
24 and safety. ^{and maximum energy conservation}

25 (3) The director ^{with the advice of the State Structural Code Advisory Board} may amend any such code from time to time. The
26 codes of regulations and any amendment thereof shall conform in so far
27 as practicable to model building codes generally accepted and in use
28 throughout the United States. In the preparation of the codes considera-
29 tion shall be given to the existing specialty codes presently in use in the
30 State of Oregon. Such model codes with modifications considered neces-
31 sary and specialty codes may be adopted by reference. The codes so
32 promulgated and any amendments thereof shall be based on the applica-
33 tion of scientific principles, approved tests and professional judgment and,
34 to the extent that it is practical to do so, the codes shall be promulgated

State Structural Code Advisory Board

1 in terms of desired results instead of the means of achieving such results,
2 avoiding wherever possible the incorporation of specifications of particular
3 methods or materials. To that end the codes shall encourage the use of
4 new methods and new materials, *and maximum energy conservation*

5 **SECTION 4.** (1) Effective July 1, 1974, the state structural code shall
6 apply state-wide and supersede and take the place of the structural code
7 of any municipality.

8 (2) Other specialty codes adopted by the director pursuant to sections
9 1 to 22 of this Act shall apply state-wide and shall, on the effective date
10 provided by each such code, supersede and take the place of any similar
11 specialty code of a municipality.

12 **SECTION 5.** (1) The director shall appoint a State Structural Code
13 Advisory Board which shall serve in an advisory capacity to the director
14 in promulgating the structural codes authorized by sections 1 to 22 of this
15 Act, and amendments thereto, and in reviewing decisions made by
16 municipalities appealed to the director under section 14 of this Act. The
17 director may appoint additional advisory boards to carry out the intent
18 of sections 1 to 22 of this Act.

19 (2) The board shall consist of the number of members fixed pursuant
20 to ORS 670.340. The assistant to the administrator shall serve as secretary
21 of the board but shall not be a member thereof. Each member shall be
22 appointed to serve a four-year term, commencing July 1 of the year of
23 appointment, and until his successor is appointed and qualified. The mem-
24 bership shall be broadly representative of the industries and professions
25 involved in the development and construction of buildings including rep-
26 resentation from building code enforcement agencies, architectural and
27 engineering associations, building construction trades, the contracting and
28 manufacturing industries, governing bodies of local government, fire pro-
29 tection agencies and the general public.

30 (3) The board shall elect its own chairman, adopt rules for its pro-
31 cedure and meet on call of the chairman or majority of the members. A
32 majority of the members shall constitute a quorum to do business. The
33 director shall provide administrative facilities and services for the board.

1 (4) Members of the board shall be entitled to compensation and ex-
2 penses as provided by ORS 292.495.

3 **SECTION 6.** Notwithstanding subsection (2) of section 5 of this Act,
4 of the members initially appointed to serve on the State Structural Code
5 Advisory Board approximately one-half shall be appointed for terms of
6 two years and the others to serve for terms of four years.

7 **SECTION 7.** (1) Except as otherwise provided by this section, the di-
8 rector shall be subject to ORS 183.310 to 183.500 in the adoption, amend-
9 ment or repeal of regulations authorized by, and in the issuance of orders
10 in contested cases arising under, sections 1 to 22 of this Act.

11 (2) In addition to the notice requirements of ORS 183.335, notice of a
12 public hearing on adoption, amendment or repeal of a regulation auth-
13 orized by sections 1 to 22 of this Act shall be given to the governing
14 bodies of all municipalities and the notice shall state that copies of the
15 proposed action may be obtained at the office of the Department of
16 Commerce.

17 (3) The director shall not be required to publish or distribute those
18 parts of a code of regulations adopted by reference. However, the di-
19 rector shall publish with a specialty code and annually thereafter a list
20 of places where copies of those parts of the code adopted by reference
21 may be obtained together with the approximate cost thereof. The director
22 shall file one copy of the complete code with the Secretary of State.
23 However, all standards referred to in any specialty code or any of the
24 modifications thereto need not be so filed. All standards referred to in
25 the code shall be kept on file and available for inspection in the office of
26 the director.

27 (4) Any interested person may propose amendments to the regula-
28 tions authorized by sections 1 to 22 of this Act, which proposed amend-
29 ments may be either applicable to all municipalities or, where it is al-
30 leged and established that conditions exist within a municipality which
31 are not generally found within other municipalities, amendments may be
32 restricted in application to such municipality. The director shall approve
33 any proposed amendments which he finds at least as restrictive as the
34 regulations authorized by sections 1 to 22 of this Act and, in conformity

1 with the policy and purpose prescribed by section 2 of this Act and
2 justified under the particular circumstances involved. Upon adoption, a
3 copy of each amendment shall be distributed to the governing bodies of all
4 municipalities affected thereby.

5 (5) With the approval of the director, the assistant to the adminis-
6 trator shall from time to time make or cause to be made investigations,
7 or may accept authenticated reports from authoritative sources, concern-
8 ing new materials or modes of construction intended for use in the con-
9 struction of buildings or structures, and shall propose amendments to the
10 code setting forth the conditions under which the materials or modes
11 may be used, in accordance with the standards and procedures of sections
12 1 to 22 of this Act.

13 **SECTION 8.** (1) The director, with the approval of the Governor,
14 shall appoint a state building code administrator who shall have general
15 supervision over the administration of the state building code regulations
16 that are the general responsibility of the director including the plumbing,
17 elevator, electrical, mobile home, boiler, amusement ride, structural; me-
18 chanical, heating and ventilating; and prefabricated structures codes. The
19 administrator shall serve at the pleasure of the director and shall be in
20 the unclassified service of the state. He shall perform such other duties as
21 the director may assign.

22 (2) The administrator, with the approval of the director, shall appoint
23 an assistant who shall be responsible for the administration of the struc-
24 tural code. The assistant shall be competent in the field of administration
25 and shall have had such previous experience in building design, construc-
26 tion and supervision as the director considers necessary. The assistant may,
27 with the approval of the director, employ inspectors and other personnel
28 as necessary to carry out his function under sections 1 to 22 of this Act.
29 He shall perform such other duties in administering the code as the director
30 may assign.

31 **SECTION 9.** By April 1, 1974, the department shall distribute without
32 charge one copy of the structural code to each municipality within the
33 state. The distribution shall not include any parts of the code adopted by

1 reference. Additional copies shall be made available to municipalities and
2 interested parties for such fee as the director shall prescribe.

3 **SECTION 10.** (1) By April 1, 1974, the governing body of each mu-
4 nicipality shall, unless other means are already provided, appoint a person
5 to administer the state building code who shall be known as building
6 official. A building official shall, in the municipality for which appointed,
7 attend to all aspects of code enforcement, including the issuance of all
8 building permits. Two or more municipalities may combine in the appoint-
9 ment of a single building official for the purpose of administering the
10 provisions of the code within their communities.

11 (2) In those municipalities for which no building officials have been
12 appointed by the designated date, the state administrator with the approval
13 of the director may appoint building officials to serve the municipalities
14 until such time as the municipalities make an appointment. If the ad-
15 ministrator is unable to make such appointment, he may use such state
16 employes or state agencies as are necessary to perform the duties of the
17 building official. All costs incurred by virtue of an appointment by the
18 administrator or services rendered by state employes shall be borne by
19 the involved municipality. Receipts arising therefrom shall be paid into
20 the State Treasury and credited to the General Fund.

21 **SECTION 11.** (1) (a) A building official, to be eligible for appoint-
22 ment, shall have had such experience in design, construction and supervision
23 as the director considers necessary and shall further be generally informed
24 on the quality and strength of building materials, accepted building con-
25 struction requirements and the nature of equipment and needs conducive
26 to the safety, comfort and convenience of building occupants.

27 (b) A specialty code inspector to be eligible for appointment shall, to
28 the extent the director considers necessary to the enforcement of the par-
29 ticular specialty code, be experienced in design, construction and super-
30 vision and shall be informed on the quality and strength of building ma-
31 terials, accepted building construction requirements and the nature of
32 equipment and needs conducive to the safety, comfort and convenience of
33 building occupants.

34 (2) Building officials and specialty code inspectors shall be certified

1 as provided by this section, except that the qualifications outlined in sub-
2 section (1) of this section are not mandatory until July 1, 1977, regarding
3 any building official or inspector engaged in the administration of a build-
4 ing code for a municipality on the effective date of this Act and continuing
5 such function through July 1, 1974.

6 (3) The director shall either:

7 (a) Prepare and conduct oral, written and practical examinations to
8 determine if a person is qualified pursuant to subsection (1) of this
9 section to be a building official or inspector; or

10 (b) Accept documentation of successful completion of programs of
11 training developed by public agencies, as proof of qualification required
12 by subsection (1) of this section.

13 (4) Upon a determination of qualification under either paragraph (a)
14 or (b) of subsection (3) of this section, the director shall issue or cause
15 to be issued a certificate to the building official or inspector stating that
16 he is so certified. Each person applying for examination and certification
17 pursuant to this section shall pay a fee of \$20. The director or his designee
18 shall establish classes of certification that will recognize the varying com-
19 plexities of code enforcement in the municipalities within the state. Except
20 as provided by subsection (2) of this section, no person shall act as a
21 building official or inspector for any municipality unless the director deter-
22 mines that he is so qualified. The director shall prepare and conduct edu-
23 cational programs designed to train and assist building officials and
24 inspectors in carrying out their responsibilities and may institute any such
25 program after July 1, 1974.

26 **SECTION 12.** (1) The director may, upon notice and hearing, re-
27 voke the certification of any building official or inspector when it appears
28 to him by competent evidence that the building official or inspector has
29 consistently failed to act in the public interest in the performance of his
30 duties.

31 (2) Nothing in this section shall be construed to limit or otherwise
32 affect the authority of a municipality to dismiss or suspend a building offic-
33 ial or inspector at its discretion.

34 **SECTION 13.** The state building code administrator may, upon an

1 application setting forth a set of plans and specifications that will be
2 utilized in one or more municipality to acquire building permits, review
3 and approve the application for the construction or erection of any building
4 or structure if such set of plans ^{meets} meet the requirements of the state building
5 code. All costs incurred by the administrator by virtue of the examination
6 of such a set of plans and specifications shall be paid by the applicant.
7 The plans and specifications or any plans and specifications required to
8 be submitted to a state agency shall be submitted to the administrator
9 who shall examine the instruments and if necessary distribute them to the
10 appropriate state agencies for scrutiny regarding adequacy as to fire
11 safety and all other appropriate features. The state agencies shall examine
12 and promptly return the plans and specifications together with their
13 certified statement as to the adequacy of the instruments regarding that
14 agency's area of concern. Any building official shall issue a building per-
15 mit upon application and presentation to him of such a set of plans and
16 specifications bearing the approval of the administrator if the require-
17 ments of all other local ordinances are satisfied.

18 **SECTION 14.** After municipal appeals procedures have been exhausted,
19 any person aggrieved by the final decision of any municipality as to
20 the application of the structural and other specialty codes authorized
21 by sections 1 to 22 of this Act may, within 30 days after the date of
22 the decision, appeal to the director. Appellant shall submit a fee of
23 \$20, payable to the director, with his request for appeal. The final
24 decision of the involved municipality shall be subject to review de novo
25 by the director, or his designated representative, assisted by the recom-
26 mendations of the advisory board as to technical and scientific facts.

27 **SECTION 15.** Building permits or certificates of occupancy validly
28 issued before July 1, 1974, regarding buildings or structures being con-
29 structed or altered pursuant thereto, shall be valid thereafter and the
30 construction may be completed pursuant to the building permit, unless
31 the building official determines that life or property is in jeopardy.

32 **SECTION 16.** The director shall prescribe a uniform form for building
33 permit applications, building permits and certificates of occupancy to
34 be used by all building officials in the administration and the enforcement

1 of the state building code. One copy of each application filed, and of each
2 permit and certificate issued, shall be forwarded at regular intervals to
3 the department, to be used by the director and others in planning the
4 activities of the department and in the preparation of reports required
5 of the department, its divisions or officers.

Insert 4 →

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④ Section 17. (1) In addition to all other penalties provided by law, a person who violates or who procures, aids or abets in the violation of sections 1 to 22 of this Act or any order, rule, regulation or decision of the director shall forfeit and pay to the General Fund of the State Treasury a civil penalty in an amount to be determined by the director of not more than \$1,000 for each violation, or \$10,000 in the aggregate for all such violations within any three-month period.

”(2) In the case of a continuing violation, every day's continuance of the violation is a separate violation.

”(3) In addition to the civil penalty set forth in subsection (1) of this section, a person who violates or who procures, aids or abets in the violation of sections 1 to 22 of this Act or any order, rule, regulation or decision of the director shall incur a penalty in an amount to be determined by the director without limitation as to amount except it shall not exceed the amount by which such person and those acting with such person in the violation profited by the act or acts of commission or omission found to be a violation under this subsection.

”(4) If the amount of the penalty provided by subsections (1) and (3) of this section is not paid to the director, the Attorney General shall bring an action in the name of the State of Oregon in the Circuit Court for Marion County to recover such penalty.”

33 regulations, the rules set forth in section 20 shall be a part of the code
34 and govern the regulation of prefabricated structures.

1 of the state building code. One copy of each application filed, and of each
2 permit and certificate issued, shall be forwarded at regular intervals to
3 the department, to be used by the director and others in planning the
4 activities of the department and in the preparation of reports required
5 of the department, its divisions or officers.

Insert ④

delete

6 **SECTION 17.** Except as otherwise provided, a violation of any regu-
7 lation adopted pursuant to sections 1 to 22 of this Act is a Class A misde-
8 meanor.

9 **SECTION 18. (1)** For the purpose of defraying the costs of training
10 and other educational programs administered by the department under
11 sections 1 to 22 of this Act there is hereby imposed a surcharge in the
12 amount of one percent of the total building permit fees collected by a
13 municipality in connection with the construction of, or addition or altera-
14 tion to, buildings and equipment or appurtenances on and after July 1, 1973.

15 (2) Permit surcharges shall be collected by each municipality and
16 remitted to the state. Each municipality having a population greater
17 than 40,000 people shall, on a monthly basis, prepare and submit to the
18 director a report of fees and surcharges thereon collected during the pre-
19 vious month. All other municipalities shall submit a report of fees and
20 surcharges thereon on a quarterly basis. The report, which shall be in a
21 form prescribed by the director, shall be submitted, together with a
22 remittance covering the surcharges collected, by no later than the 15th
23 day following the month or quarter in which the surcharges are collected.

24 All surcharges and other fees prescribed by sections 1 to 22 of this Act,
25 which are payable to the state, except receipts referred to by subsection

26 (2) of section 10 of this Act, shall be paid to the director who shall de-
27 posit such funds in the State Treasury for credit to the ~~Commerce Admini-~~
28 ~~stration Account created by ORS 184.570.~~ *Building Code*
Account created by section 34 of this Act.

29 **SECTION 19.** On the effective date on which regulations promulgated
30 by the director regarding prefabricated structures are given the force
31 and effect of law, this section and section 20 of this Act shall expire and
32 have no force and effect. Until such time as the director adopts such
33 regulations, the rules set forth in section 20 shall be a part of the code
34 and govern the regulation of prefabricated structures.

1 **SECTION 20.** (1) Rule 1. General.

2 (a) Purpose. The purpose of these rules is to regulate materials and
3 establish methods of safe construction where any structure or portion
4 thereof is wholly or partially prefabricated.

5 (b) Scope. Unless otherwise specifically stated, all prefabricated con-
6 struction and all materials used therein shall conform to all requirements
7 of this code, except as otherwise noted.

8 (c) Definitions.

9 (A) "Prefabricated structure" has the meaning given that term by
10 section 1 of this Act.

11 (B) "Installation" means the assembly of a prefabricated structure on
12 site, and the process of affixing the structure to land, a foundation, footings
13 or an existing building.

14 (2) Rule 2. Tests and materials. Every approval of a material not
15 specifically mentioned in this code may incorporate as a proviso the kind
16 and number of tests to be made during prefabrication.

17 (3) Rule 3. Tests of assemblies. The state building code administra-
18 tor may require special tests to be made on prefabricated structures to
19 determine their durability and weather resistance.

20 (4) Rule 4. Connections. Every device designed to connect prefabri-
21 cated assemblies shall be capable of developing the strength of the mem-
22 bers connected, except in the case of members forming part of structural
23 frame designed as specified in other parts of the code. The connection
24 device shall be designed as required by the other parts of the code.

25 (5) Rule 5. Pipes and conduits. In structural design, due allowances
26 shall be made for any material to be removed for the installation of pipes,
27 conduits or other equipment or for on-site inspection.

28 (6) Rule 6. Certificate and inspection of materials and manufacture.

29 (a) Before any material is delivered to the site, the manufacturer shall
30 submit complete details, drawings and specifications of the assembly for
31 the approval of the state building code administrator. No prefabricated
32 structure shall be sold, offered for sale or installed in the state and no
33 permit shall be issued with respect to a building consisting in whole or
34 part of a prefabricated structure unless the materials therein and manu-

1 facture thereof have been certified by the administrator to be in com-
2 pliance with the code. The administrator shall make such inspections
3 as necessary to insure compliance and may send inspectors into other
4 states to inspect the manufacture of prefabricated structures to be sold,
5 offered for sale or installed in the State of Oregon. All costs incurred by the
6 administrator by virtue of the inspection of materials and manufacture
7 shall be paid by the involved manufacturer. Following inspection and pay-
8 ment by the manufacturer of the costs arising therefrom the administrator
9 shall issue a certification with respect to each prefabricated structure con-
10 sidered to be in compliance with the code and a copy of the certificate
11 shall be affixed to the structure or part thereof. The certification by the
12 administrator that a prefabricated structure complies with the code shall
13 be conclusive on all agencies and instrumentalities of the state, its political
14 subdivisions and municipalities. The administrator shall require a certifi-
15 cate from the manufacturer which shall:

16 (A) Identify the manufacturer of the prefabricated structure or com-
17 ponent of the prefabricated structure.

18 (B) Identify, by serial number or otherwise, the particular prefabricat-
19 ed structure or component of the prefabricated structure being certified
20 as in compliance with the code.

21 (C) Certify that the materials used in the manufacture of prefabricated
22 structures or component of the prefabricated structures are in compliance
23 with the code.

24 (b) After certification no changes in or modifications to the pre-
25 fabricated structure or part thereof may be made by the manufacturer
26 without the approval of the administrator.

27 (7) Rule 7. On-site assembly and installation. The installation of pre-
28 fabricated structures shall comply with the provisions of the code and
29 shall be subject to the inspection of the building official of the jurisdiction
30 in which the site is situated.

31 (8) Rule 8. Continuous inspection. If continuous inspection is re-
32 quired for certain materials where construction takes place on site, it
33 shall be required where the same materials are used in prefabricated
34 construction.

1 SECTION 21. For the purposes of the codes of regulations adopted
2 under sections 1 to 22 of this Act, unless the context clearly indicates
3 otherwise, the following substitutions shall be made in any code adopted
4 by reference as part of the state building code:

- 5 (1) "Building official" for "administrative authority."
- 6 (2) "Governing body" for "mayor" and "city council."
- 7 (3) "Municipality" for "city."

8 SECTION 22. If the director determines that the standards for pre-
9 fabricated structures prescribed by statute, rule or regulation of another
10 state are at least equal to the regulations prescribed under sections 1 to 22
11 of this Act, and that such standards are actually enforced by such other
12 state, he may provide by regulation that prefabricated structures approved
13 by such other state shall be deemed to have been approved by the director.

14 SECTION 23. ~~Notwithstanding the provisions of any other law, the sum~~
15 ~~of \$192,898 is established.~~ *Notwithstanding the provisions of any other law, the sum*
16 ~~sum of \$100,000~~ *of \$192,898 is established.* *as a limit for the payment*
17 1 to 22 of this Act. *the*

18 Section 24. ORS 447.020 is amended to read:

19 447.020. (1) All installations of plumbing and drainage in buildings
20 and structures in this state and all potable water supply, drainage, and
21 waste installations, within or serving buildings or structures, except in
22 *temporary* ~~temporary~~ construction camps, and except as otherwise provided in ORS
23 447.010 to 447.140, shall be made in accordance with the requirements of
24 ORS 447.010 to 447.140.

25 (2) The *Health Division* ~~board~~ is required to see that ORS 447.010 to 447.140 and ORS
26 447.990 are enforced and may in accordance with ORS 183.330 adopt, amend
27 or repeal regulations setting minimum standards for sewage cesspool work
28 including septic tanks, disposal fields and dry wells, sewage pumping
29 equipment, tank trucks, identification of tank trucks and workmen, and
30 disposal of septic tank and cesspool sludge.

31 (3) The Director of Commerce shall make regulations for the purpose
32 of setting standards for plumbing and defining compliance with the pro-
33 visions of ORS 447.010 to 447.140 particularly pertaining to installation
34 of piping, protection and adequacy of the water supply, workmanship and

Insert 6

6

5 + 6 rom

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- 5 (1) "Building official" for "administrative authority."
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9 fabricated structures prescribed by statute, rule or regulation of another
10 state are at least equal to the regulations prescribed under sections 1 to 22
11 of this Act, and that such standards are actually enforced by such other
12 state, he may provide by regulation that prefabricated structures approved
13 by such other state shall be deemed to have been approved by the director.

14 SECTION 23. There is appropriated to the Department of Commerce,
15 for the biennium beginning July 1, 1973, out of the General Fund, the
16 sum of \$100,000, for the purpose of carrying out the provisions of sections
17 1 to 22 of this Act.

Insert 6

as the maximum limit for the payment of expenses
created by section 34 of this Act
Building Code Account in the

18 Section 24. ORS 447.020 is amended to read:

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20 and structures in this state and all potable water supply, drainage, and
21 waste installations, within or serving buildings or structures, except in
22 temporary construction camps, and except as otherwise provided in ORS
23 447.010 to 447.140, shall be made in accordance with the requirements of
24 ORS 447.010 to 447.140.

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30 disposal of septic tank and cesspool sludge.

31 (3) The Director of Commerce shall make regulations for the purpose
32 of setting standards for plumbing and defining compliance with the pro-
33 visions of ORS 447.010 to 447.140 particularly pertaining to installation
34 of piping, protection and adequacy of the water supply, workmanship and

1 materials, traps and cleanouts, domestic hot water storage tanks and de-
2 vices, drinking fountains, approval of devices, equipment and fixtures,
3 hangers and supports, drainage and venting, house drains and house sew-
4 ers, stormwater drains, special wastes, light and ventilation of water
5 closets and bathrooms, and excavation and grading. **Subsection (3) of**
6 **section 3 and subsection (4) of section 7 of this 1973 Act apply to the**
7 **amendment of regulations adopted under this subsection.**

8 Section 25. ORS 447.080 is amended to read:

9 447.080. Nothing in ORS 447.010 to 447.140 prevents any city or county
10 from enacting and enforcing ordinances or building codes for the regu-
11 lation of the business of master plumbing, or sewage cesspool work, or
12 which prescribe the manner in which [*plumbing and*] drainage work shall
13 be installed in such city or county, except that such ordinances or codes
14 shall not prescribe a lower standard of installation of [*plumbing and*]
15 drainage work or sewage cesspool work than that prescribed in ORS
16 447.010 to 447.140. **Regulations adopted pursuant to subsection (3) of**
17 **ORS 447.020 shall supersede and take the place of any city or county ordi-**
18 **nance regulating plumbing.**

19 ~~NOTE:~~ Section 26 was deleted by amendment.

20 Section 27. ORS 476.080 is amended to read:

21 476.080. (1) The State Fire Marshal and his deputies, at all reasonable
22 hours, may enter into all buildings and upon all premises, except private
23 residences, for the purpose of inspection to ascertain if fire hazards exist
24 therein or thereon. **Owners of private residences may request a fire in-**
25 **spection of their property.**

26 (2) No person shall interfere with or prevent any such inspection
27 by such officers.

28 (3) When any person interferes with or prevents the State Fire Marshal
29 or his deputies from making the inspection mentioned herein, the officer
30 shall apply to the district attorney of the county wherein the inspection
31 was made or attempted to be made, for a warrant for the arrest of the
32 offending person, and it shall be the duty of such district attorney forth-
33 with to prosecute such offending person.

1 Section 28. ORS 479.530 is amended to read:

2 479.530. As used in ORS 479.510 to 479.850, unless the context requires
3 otherwise:

4 (1) "Approved testing laboratory" means a testing laboratory making
5 scientific safety tests of electrical products in its plant by testing individual
6 samples, specimens and prototypes thereof, and maintaining an adequate
7 system of follow-up inspections in this state of the class of electrical pro-
8 ducts tested in the laboratory and offered for sale or distributed in this
9 state.

10 (2) "Board" means the Electrical Advisory Board appointed under
11 ORS 479.800.

12 (3) "Certificate of registration" means a certificate issued by the
13 Department of Commerce to a dealer in electrical products showing that
14 the dealer has registered.

15 (4) "Certified electrical product" means:

16 (a) An electrical product listed in the published list of Underwriters
17 Laboratories dated May 19, 1958, and the supplements thereto through
18 December 1958 as an approved electrical product, and which has not been
19 decertified.

20 (b) An electrical product certified by the Department of Commerce
21 under subsection (2) of ORS 479.760 which has not been decertified.

22 (c) A gas using device, with electrical components, listed in the pub-
23 lished list of American Gas Association Laboratories, dated January 1, 1959,
24 as complying with American Standard Requirements and which has not
25 been decertified.

26 (5) "Competent inspection service" means the electrical inspection
27 service of [*an incorporated city with safety standards not lower than those*
28 *required by ORS 479.510 to 479.850 as they apply to the type of electrical*
29 *installation covered by the city ordinance*] a municipality .

30 (6) "Electrical installations" include construction, installation, main-
31 tenance and repair of electrical wiring and electrical equipment to be oper-
32 ated thereby, except communication and signal systems of railroad com-
33 panies.

34 (7) "Electrical product" includes any electrical equipment, appliance,

1 material, device or apparatus to convey or be operated by electrical current.

2 (8) "Household appliance label" includes labels for installation of
3 farming irrigation pumps, household appliances and additions to electric
4 wiring in residences.

5 (9) "Label" means a card signed by the Director of Commerce or a
6 competent inspection service of a municipality and issued to an
7 electrical contractor or property owner indicating that the electrical
8 installation proposed has been tentatively approved by the [*Director of*
9 *Commerce*] signer as meeting the minimum safety standards.

10 (10) "License" means an annual permit issued by the Department of
11 Commerce under ORS 479.630 authorizing the person whose name appears
12 as licensee thereon to act as an electrical contractor, supervising electrician,
13 journeyman or apprentice electrician as indicated thereon.

14 (11) "Minimum safety standards" means safety standards prescribed
15 by the Department of Commerce under ORS 479.730, except as provided in
16 ORS 479.720.

17 (12) "Persons" includes individuals, corporations, associations, firms,
18 partnerships and joint stock companies.

19 (13) "Serving agency" means a person principally engaged in the
20 business of generating or selling electricity in connection with the con-
21 struction or maintenance of electrical lines, wires or equipment.

22 (14) "Uncertified product" includes all electrical products which are
23 not certified.

24 Section 29. ORS 479.540 is amended to read:

25 479.540. (1) No person is required to obtain a license to make an
26 electrical installation on property which is owned by himself or a mem-
27 ber of his immediate family, and not presently intended for sale.

28 (2) No electrical contractor license is required in connection with
29 an electrical installation:

30 (a) Of meters and similar devices by a serving agency for measuring
31 electricity.

32 (b) Of ignition or lighting systems for motor vehicles.

1 (c) To be made by a person on his property in connection with his busi-
2 ness.

3 (d) To be made by a public utility or municipality for generation,
4 transmission or distribution of electricity on property which it owns or
5 manages.

6 (3) No person whose sole business is generating or selling electricity
7 in connection with the construction or maintenance of electrical lines,
8 wires or equipment, is required to obtain a certificate of registration or
9 license to transform, transmit or distribute electricity from its source to
10 the service head of the premises to be supplied thereby.

11 [(4) *No label is required for electrical installation made within the*
12 *limits of an incorporated city maintaining a competent inspection service*
13 *providing the electrical installation is of a type covered by the city ordi-*
14 *nance.*]

15 [(5)] (4) No certificate of registration is required to sell, dispose of
16 by gift or otherwise any electrical product within the limits of [*incorpor-*
17 *ated cities*] **municipalities** maintaining a competent inspection service and
18 making periodical inspections of electrical stock of dealers in electrical
19 products.

20 [(6)] (5) No certificate of registration or license is required for tem-
21 porary demonstrations.

22 [(7)] (6) The provisions of ORS 479.510 to 479.850 shall not apply to
23 electrical products owned by, supplied to, or to be supplied to public
24 utilities as defined in ORS 757.005, nor to electrical installations made by or
25 for such a public utility where the electrical installations are an integral
26 part of the equipment of such utility.

27 [(8)] (7) No label is required for the repair, alteration or replace-
28 ment of existing electrical equipment of an industrial plant.

29 [(9)] (8) In cases of emergency in industrial plants no label is re-
30 quired in advance for electrical installation made by a person licensed
31 under subsections (2), (4) and (6) of ORS 479.630 if an application accom-
32 panied by appropriate fee for a label is submitted to the Department of
33 Commerce within five days after the commencement of such electrical
34 work.

1 ~~[(10)]~~ (9) No person is required to obtain a license or label to set
2 in place a certified electrical product or make a connection therefrom to
3 services and facilities other than electrical.

4 Section 30. ORS 479.820 is amended to read:

5 479.820. (1) The Department of Commerce shall:

6 (a) Check the authenticity, appropriateness and expiration dates of
7 licenses and certificates of registration issued under ORS 479.510 to 479.850.

8 (b) Inspect electrical installations and products for which a label,
9 license or certificate of registration is required by ORS 479.510 to 479.850.

10 (c) Inspect labels attached to electrical installations or products for
11 which a label is required by ORS 479.510 to 479.850.

12 (2) If the Department of Commerce finds that the electrical installa-
13 tion or product fails to comply with minimum safety standards, it may dis-
14 connect or order the disconnection of service thereto.

15 (3) If the Department of Commerce finds that the condition of an
16 electrical installation or product constitutes an immediate hazard to life
17 or property, it may cut or disconnect any wire necessary to remove such
18 hazard.

19 (4) Upon written request of appropriate municipal personnel, the De-
20 partment of Commerce may make inspections of electrical installations
21 and products within [*incorporated cities having by ordinance adopted mini-*
22 *mum safety standards for such installations or products which meet the*
23 *requirements of ORS 479.510 to 479.850*] **municipalities**. Such inspections
24 shall be made at cost, in accordance with local municipal ordinances
25 [*and building codes*], payable on a monthly basis.

26 (5) For the purpose of discharging any duty imposed by ORS 479.510
27 to 479.850 or exercising authority conferred hereby the Department of
28 Commerce may, during reasonable hours, enter any building, enclosure,
29 or upon any premises where electrical work is in progress, where an
30 electrical installation has been made or where electrical equipment or
31 products may be located. No person shall obstruct or interfere with the
32 Department of Commerce in performance of any of its duties or the exercise
33 of any authority conferred under this section.

1 SECTION 31. Section 32 of this Act is added to and made a part of
2 ORS 479.510 to 479.850.

3 SECTION 32. Rules adopted under ORS 479.510 to 479.850 may be
4 amended in accordance with ORS 479.730, 479.740 and subsection (3) of
5 section 7 of this 1973 Act.

6 SECTION 33. This Act being necessary for the immediate preservation
7 of the public peace, health and safety, an emergency is declared to exist,
8 and this Act takes effect on its passage.

Insert (6)
 (6) SECTION 33. Section 34 of this Act is added to and made a part
of ORS 184.520 to 184.570.

"SECTION 34. There hereby is established in the
General Fund of the State Treasury the Building Code
Account. Except as otherwise provided by law, all moneys
appropriated or credited to the Building Code Account
hereby are appropriated continuously for and shall be
used by the director for the purpose of carrying out the
duties and responsibilities imposed upon the Department
of Commerce, its officers or divisions, under ORS 446.155
to 446.200, 447.010 to 447.140, 460.005 to 460.175,
460.310 to 460.380, 479.510 to 479.850, 480.510 to
480.615 and ORS chapter 693.

"Section 35. ORS 460.175 is amended to read:

"460.175. All receipts from fees, charges, costs,
expenses and fines provided for in ORS 460.005 to 460.175
shall be collected by the [Labor Commissioner] Department of
Commerce and paid to the State Treasurer on the first day of
each month and credited by the State Treasurer to the [Elec-
trical Regulation] Building Code Account created by section
34 of this 1973 Act in the General Fund. [The moneys in the
Electrical Regulation Account, as may be necessary for
paying the expenses for administering and enforcing ORS
460.005 to 460.175, are hereby continuously appropriated
for that purpose.]

"Section 36. ORS 460.370 is amended to read:

"460.370. All fees collected by the department under
ORS 460.310 to 460.380 and subsection (2) of ORS 460.990
shall be paid to the State Treasurer and [become part of]
credited to the Building Code Account created by section
34 of this 1973 Act in the General Fund.

"Section 37. ORS 479.850 is amended to read:

"479.850. All receipts from fees, charges, costs,
expenses and fines provided for in [section 145, chapter
_____, Oregon Laws 1971 (Enrolled House Bill 1048) and]
ORS 446.175, 460.165, 479.510 to 479.850 and 479.990 when
collected shall be paid into the General Fund on the first
day of each month and credited to the [Regulation] Building
Code Account created [hereby] by section 34 of this 1973
Act. [The money in the Regulation Account that is necessary
for paying the expenses of administering and enforcing sec-

460.005 to 460.175, are hereby
for that purpose.]

"Section 36. ORS 460.370 is amended to read:

"460.370. All fees collected by the department under ORS 460.310 to 460.380 and subsection (2) of ORS 460.990 shall be paid to the State Treasurer and [become part of] credited to the Building Code Account created by section 34 of this 1973 Act in the General Fund.

"Section 37. ORS 479.850 is amended to read:

"479.850. All receipts from fees, charges, costs, expenses and fines provided for in [section 145, chapter _____, Oregon Laws 1971 (Enrolled House Bill 1048) and] ORS 446.175, 460.165, 479.510 to 479.850 and 479.990 when collected shall be paid into the General Fund on the first day of each month and credited to the [Regulation] Building Code Account created [hereby] by section 34 of this 1973 Act. [The money in the Regulation Account that is necessary for paying the expenses of administering and enforcing section 145, chapter _____, Oregon Laws 1971 (Enrolled House Bill 1048) and ORS 446.175, 460.165, 479.510 to 479.850 and ~~479.990~~ is hereby continuously appropriated for that purpose.]

"Section 38. ORS 480.610 is amended to read:

"480.610. All receipts from fees, charges, costs and expenses under ORS 480.510 to 480.615 shall be collected by the Department of Commerce and paid into the State Treasury on the first day of each month for the preceding month, and credited by the State Treasurer to the [Bureau of Labor] Building Code Account created by section 34 of this 1973 Act for purposes authorized by law.

"Section 39. Section 40 of this Act is added to and made a part of ORS chapter 693.

"Section 40. All receipts from fees permitted by ORS 693.050 and 693.060 shall be collected by the department and, on the first day of each month for the preceding month, paid into the State Treasury and credited by the State Treasurer to the Building Code Account created by section 34 of this 1973 Act.

"Section 41. (1) Sections 34 and 40 of this Act and the amendments to ORS 460.175, 460.370, 479.850 and 480.610, enacted by sections 35 to 38 of this Act shall be operative after June 30, 1973.

"(2) Any money remaining in the Electrical Regulation Account described by ORS 460.175 or the Regulation Account described by ORS 479.850 on June 30, 1973, shall be and hereby is transferred and credited to the Building Code Account created by section 34 of this Act.

"(3) Any money remaining in the State Plumbing Board Account, authorized by ORS 670.335, on June 30, 1973, shall be and hereby is transferred and credited to the Building Code Account created by section 34 of this Act."

**SENATE AMENDMENTS TO
PRINTED ENGROSSED SENATE BILL 73**

By JOINT COMMITTEE ON WAYS AND MEANS

May 14

1 On page 2 of the printed engrossed bill, line 4, after "447.080," insert
2 "460.175, 460.370,".

3 In line 5, delete the first "and" and insert a comma and in the same
4 line after "479.820" insert ", 479.850 and 480.610" and in the same line after
5 "money;" insert "limiting expenditures;".

6 In line 35, delete "and" and insert a comma and in the same line after
7 "techniques" insert "and maximum energy conservation".

8 On page 3, line 4, delete "prescribe, or" and insert ", subject to section
9 2a of this Act, prescribe reasonable fees for the issuance of building permits
10 and similar documents."

11 Delete lines 5 and 6.

12 In line 7, after "in" insert "sections 1 to 22 of".

13 After line 12, insert:

14 "SECTION 2a. (1) Fees shall be prescribed as required by section 2
15 of this Act for permits for the construction, reconstruction, alteration and
16 repair of prefabricated structures, buildings and other structures and the
17 installation of mechanical heating and ventilating devices and equipment.
18 The fees shall be based on the total valuation of the proposed structure
19 or installation, shall not exceed the maximum fees set out in the following
20 schedule and shall not be effective until approved by the Executive Depart-
21 ment.

23 "TOTAL VALUATION	MAXIMUM FEE
24 \$1 to \$500	\$5
25 \$501 to \$2,000	\$5 for the first \$500 plus \$1 for each additional \$100 or fraction thereof, to and including \$2,000
26 \$2,001 to \$25,000	\$20 for the first \$2,000 plus \$3 for each additional thousand or fraction thereof, to and including 27 \$25,000

1 "TOTAL VALUATION	MAXIMUM FEE
2 \$25,001 to \$50,000	\$89 for the first \$25,000 plus \$2.50 for each additional thousand or fraction thereof, to and including \$50,000
3	
4 \$50,001 to \$100,000	\$151.50 for the first \$50,000 plus \$1.50 for each additional thousand or fraction thereof, to and including \$100,000
5	
6 \$100,001 and up	\$226.50 for the first \$100,000 plus \$1 for each additional thousand or fraction thereof.
7	

8 _____

9 “(2) The fee for checking plans and specifications submitted to the
10 administrator under section 13 of this Act shall be the same as the fee
11 prescribed for a permit under subsection (1) of this section. However, if
12 the valuation of the proposed structure or installation exceeds \$1,000, the
13 fee shall be one-half the amount of the permit fee.”

14 Delete lines 15 and 16 and insert:

15 “(1) The director shall coordinate and generally supervise the adop-
16 tion.”

17 In line 24, delete “and” and insert a comma and in the same line after
18 “safety” insert “and maximum energy conservation”.

19 In line 25, after “director” insert “with the advice of the State Structural
20 Code Advisory Board”.

21 On page 4, line 4, delete “and” and insert a comma and in the same line
22 after “materials” insert “and maximum energy conservation”.

23 On page 10, delete lines 6 through 8 and insert:

24 “SECTION 17. (1) In addition to all other penalties provided by law,
25 a person who violates or who procures, aids or abets in the violation of
26 sections 1 to 22 of this Act or any order, rule, regulation or decision of the
27 director shall forfeit and pay to the General Fund of the State Treasury a
28 civil penalty in an amount to be determined by the director of not more
29 than \$1,000 for each violation, or \$10,000 in the aggregate for all such viola-
30 tions within any three-month period.

31 “(2) In the case of a continuing violation, every day's continuance of
32 the violation is a separate violation.

1 “(3) In addition to the civil penalty set forth in subsection (1) of this
2 section, a person who violates or who procures, aids or abets in the violation
3 of sections 1 to 22 of this Act or any order, rule, regulation or decision of
4 the director shall incur a penalty in an amount to be determined by the
5 director without limitation as to amount except it shall not exceed the
6 amount by which such person and those acting with such person in the
7 violation profited by the act or acts of commission or omission found to
8 be a violation under this subsection.

9 “(4) If the amount of the penalty provided by subsections (1) and (3)
10 of this section is not paid to the director, the Attorney General shall bring
11 an action in the name of the State of Oregon in the Circuit Court of Marion
12 County to recover such penalty.”.

13 In line 27, delete “Commerce Admini-” and insert “Building Code Ac-
14 count created by section 34 of this Act.”.

15 Delete line 28.

16 On page 13, line 14, after the period delete the rest of the line and insert
17 “Notwithstanding the provisions of any other law, the sum of \$192,898 is
18 established”.

19 In line 15, after “1973,” insert “as the maximum limit for the payment
20 of expenses” and in the same line after “of the” insert “Building Code
21 Account in the” and in the same line delete the last “the”.

22 In line 16, delete “sum of \$100,000” and insert “created by section 34
23 of this Act”.

24 In line 25, delete “board” and insert “Health Division”.

25 On page 19, after line 5, insert:

26 “**SECTION 33.** Section 34 of this Act is added to and made a part of
27 ORS 184.520 to 184.570.

28 “**SECTION 34.** There hereby is established in the General Fund of the
29 State Treasury the Building Code Account. Except as otherwise provided
30 by law, all moneys appropriated or credited to the Building Code Account
31 hereby are appropriated continuously for and shall be used by the director
32 for the purpose of carrying out the duties and responsibilities imposed upon

1 the Department of Commerce, its officers or divisions, under ORS 446.155
2 to 446.200, 447.010 to 447.140, 460.005 to 460.175, 460.310 to 460.380, 479.510
3 to 479.850, 480.510 to 480.615 and ORS chapter 693.

4 "Section 35. ORS 460.175 is amended to read:

5 "460.175. All receipts from fees, charges, costs, expenses and fines
6 provided for in ORS 460.005 to 460.175 shall be collected by the [*Labor*
7 *Commissioner*] **Department of Commerce** and paid to the State Treasurer
8 on the first day of each month and credited by the State Treasurer to the
9 [*Electrical Regulation*] **Building Code Account created by section 34 of**
10 **this 1973 Act** in the General Fund. [*The moneys in the Electrical Regulation*
11 *Account, as may be necessary for paying the expenses for administering*
12 *and enforcing ORS 460.005 to 460.175, are hereby continuously appropriated*
13 *for that purpose.*]

14 "Section 36. ORS 460.370 is amended to read:

15 "460.370. All fees collected by the department under ORS 460.310 to
16 460.380 and subsection (2) of ORS 460.990 shall be paid to the State Trea-
17 surer and [*become part of*] **credited to the Building Code Account created**
18 **by section 34 of this 1973 Act** in the General Fund.

19 "Section 37. ORS 479.850 is amended to read:

20 "479.850. All receipts from fees, charges, costs, expenses and fines pro-
21 vided in [*section 145, chapter —, Oregon Laws 1971 (Enrolled House Bill*
22 *1048) and*] ORS 446.175, 460.165, 479.510 to 479.850 and 479.990 when col-
23 lected shall be paid into the General Fund on the first day of each month
24 and credited to the [*Regulation*] **Building Code Account created [*hereby*]**
25 **by section 34 of this 1973 Act**. [*The money in the Regulation Account that*
26 *is necessary for paying the expenses of administering and enforcing section*
27 *145, chapter —, Oregon Laws 1971 (Enrolled House Bill 1048) and ORS*
28 *446.175, 460.165, 479.510 to 479.850 and 479.990 is hereby continuously appro-*
29 *priated for that purpose.*]

30 "Section 38. ORS 480.610 is amended to read:

31 "480.610. All receipts from fees, charges, costs and expenses under
32 ORS 480.510 to 480.615 shall be collected by the Department of Commerce

1 and paid into the State Treasury on the first day of each month for the
2 preceding month, and credited by the State Treasurer to the [Bureau of
3 Labor] Building Code Account created by section 34 of this 1973 Act for
4 purposes authorized by law.

5 "SECTION 39. Section 40 of this Act is added to and made a part of
6 ORS chapter 693.

7 "SECTION 40. All receipts from fees permitted by ORS 693.050 and
8 693.060 shall be collected by the department and, on the first day of each
9 month for the preceding month, paid into the State Treasury and credited
10 by the State Treasurer to the Building Code Account created by section
11 34 of this 1973 Act.

12 "SECTION 41. (1) Sections 34 and 40 of this Act and the amendments
13 to ORS 460.175, 460.370, 479.850 and 480.610, enacted by sections 35 to 38 of
14 this Act shall be operative after June 30, 1973.

15 "(2) Any money remaining in the Electrical Regulation Account de-
16 scribed by ORS 460.175 or the Regulation Account described by ORS 479.850
17 on June 30, 1973, shall be and hereby is transferred and credited to the
18 Building Code Account created by section 34 of this Act.

19 "(3) Any money remaining in the State Plumbing Board Account,
20 authorized by ORS 670.335, on June 30, 1973, shall be and hereby is trans-
21 ferred and credited to the Building Code Account created by section 34 of
22 this Act."

23 In line 6, delete "33" and insert "42".



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**SENATE AMENDMENTS TO
PRINTED ENGROSSED SENATE BILL 73**

By JOINT COMMITTEE ON WAYS AND MEANS

May 14

1 On page 2 of the printed engrossed bill, line 4, after "447.080," insert
2 "460.175, 460.370,".

3 In line 5, delete the first "and" and insert a comma and in the same
4 line after "479.820" insert ", 479.850 and 480.610" and in the same line after
5 "money;" insert "limiting expenditures;".

6 In line 35, delete "and" and insert a comma and in the same line after
7 "techniques" insert "and maximum energy conservation".

8 On page 3, line 4, delete "prescribe, or" and insert ", subject to section
9 2a of this Act, prescribe reasonable fees for the issuance of building permits
10 and similar documents."

11 Delete lines 5 and 6.

12 In line 7, after "in" insert "sections 1 to 22 of".

13 After line 12, insert:

14 "SECTION 2a. (1) Fees shall be prescribed as required by section 2
15 of this Act for permits for the construction, reconstruction, alteration and
16 repair of prefabricated structures, buildings and other structures and the
17 installation of mechanical heating and ventilating devices and equipment.
18 The fees shall be based on the total valuation of the proposed structure
19 or installation, shall not exceed the maximum fees set out in the following
20 schedule and shall not be effective until approved by the Executive Depart-
21 ment.

23 "TOTAL VALUATION	MAXIMUM FEE
24 \$1 to \$500	\$5
25 \$501 to \$2,000	\$5 for the first \$500 plus \$1 for each additional \$100 or fraction thereof, to and including \$2,000
26 \$2,001 to \$25,000	\$20 for the first \$2,000 plus \$3 for each additional thousand or fraction thereof, to and including \$25,000

1 "TOTAL VALUATION	MAXIMUM FEE
2 \$25,001 to \$50,000	\$89 for the first \$25,000 plus \$2.50 for each additional thousand or fraction thereof, to and including \$50,000
3	
4 \$50,001 to \$100,000	\$151.50 for the first \$50,000 plus \$1.50 for each additional thousand or fraction thereof, to and including \$100,000
5	
6 \$100,001 and up	\$226.50 for the first \$100,000 plus \$1 for each additional thousand or fraction thereof.
7	

8 _____
9 “(2) The fee for checking plans and specifications submitted to the
10 administrator under section 13 of this Act shall be the same as the fee
11 prescribed for a permit under subsection (1) of this section. However, if
12 the valuation of the proposed structure or installation exceeds \$1,000, the
13 fee shall be one-half the amount of the permit fee.”

14 Delete lines 15 and 16 and insert:

15 “(1) The director shall coordinate and generally supervise the adop-
16 tion.”

17 In line 24, delete “and” and insert a comma and in the same line after
18 “safety” insert “and maximum energy conservation”.

19 In line 25, after “director” insert “with the advice of the State Structural
20 Code Advisory Board”.

21 On page 4, line 4, delete “and” and insert a comma and in the same line
22 after “materials” insert “and maximum energy conservation”.

23 On page 10, delete lines 6 through 8 and insert:

24 “SECTION 17. (1) In addition to all other penalties provided by law,
25 a person who violates or who procures, aids or abets in the violation of
26 sections 1 to 22 of this Act or any order, rule, regulation or decision of the
27 director shall forfeit and pay to the General Fund of the State Treasury a
28 civil penalty in an amount to be determined by the director of not more
29 than \$1,000 for each violation, or \$10,000 in the aggregate for all such viola-
30 tions within any three-month period.

31 “(2) In the case of a continuing violation, every day’s continuance of
32 the violation is a separate violation.

1 “(3) In addition to the civil penalty set forth in subsection (1) of this
2 section, a person who violates or who procures, aids or abets in the violation
3 of sections 1 to 22 of this Act or any order, rule, regulation or decision of
4 the director shall incur a penalty in an amount to be determined by the
5 director without limitation as to amount except it shall not exceed the
6 amount by which such person and those acting with such person in the
7 violation profited by the act or acts of commission or omission found to
8 be a violation under this subsection.

9 “(4) If the amount of the penalty provided by subsections (1) and (3)
10 of this section is not paid to the director, the Attorney General shall bring
11 an action in the name of the State of Oregon in the Circuit Court ^{for} of Marion
12 County to recover such penalty.”

13 In line 27, delete “Commerce Admini-” and insert “Building Code Ac-
14 count created by section 34 of this Act.”

15 Delete line 28.

16 On page 13, line 14, after the period delete the rest of the line and insert
17 “Notwithstanding the provisions of any other law, the sum of \$192,898 is
18 established”.

19 In line 15, after “1973,” insert “as the maximum limit for the payment
20 of expenses” and in the same line after “of the” insert “Building Code
21 Account in the” and in the same line delete the last “the”.

22 In line 16, delete “sum of \$100,000” and insert “created by section 34
23 of this Act”.

24 In line 25, delete “board” and insert “Health Division”.

25 On page 19, after line 5, insert:

26 “SECTION 33. Section 34 of this Act is added to and made a part of
27 ORS 184.520 to 184.570.

28 “SECTION 34. There hereby is established in the General Fund of the
29 State Treasury the Building Code Account. Except as otherwise provided
30 by law, all moneys appropriated or credited to the Building Code Account
31 hereby are appropriated continuously for and shall be used by the director
32 for the purpose of carrying out the duties and responsibilities imposed upon

1 the Department of Commerce, its officers or divisions, under ORS 446.155
2 to 446.200, 447.010 to 447.140, 460.005 to 460.175, 460.310 to 460.380, 479.510
3 to 479.850, 480.510 to 480.615 and ORS chapter 693.

4 "Section 35. ORS 460.175 is amended to read:

5 "460.175. All receipts from fees, charges, costs, expenses and fines
6 provided for in ORS 460.005 to 460.175 shall be collected by the [Labor
7 Commissioner] Department of Commerce and paid to the State Treasurer
8 on the first day of each month and credited by the State Treasurer to the
9 [Electrical Regulation] Building Code Account created by section 34 of
10 this 1973 Act in the General Fund. [The moneys in the Electrical Regulation
11 Account, as may be necessary for paying the expenses for administering
12 and enforcing ORS 460.005 to 460.175, are hereby continuously appropriated
13 for that purpose.]

14 "Section 36. ORS 460.370 is amended to read:

15 "460.370. All fees collected by the department under ORS 460.310 to
16 460.380 and subsection (2) of ORS 460.990 shall be paid to the State Trea-
17 surer and [become part of] credited to the Building Code Account created
18 by section 34 of this 1973 Act in the General Fund.

19 "Section 37. ORS 479.850 is amended to read:

20 "479.850. All receipts from fees, charges, costs, expenses and fines pro-
21 vided in [section 145, chapter —, Oregon Laws 1971 (Enrolled House Bill
22 1048) and] ORS 446.175, 460.165, 479.510 to 479.850 and 479.990 when col-
23 lected shall be paid into the General Fund on the first day of each month
24 and credited to the [Regulation] Building Code Account created [hereby]
25 by section 34 of this 1973 Act. [The money in the Regulation Account that
26 is necessary for paying the expenses of administering and enforcing section
27 145, chapter —, Oregon Laws 1971 (Enrolled House Bill 1048) and ORS
28 446.175, 460.165, 479.510 to 479.850 and 479.990 is hereby continuously appro-
29 priated for that purpose.]

30 "Section 38. ORS 480.610 is amended to read:

31 "480.610. All receipts from fees, charges, costs and expenses under
32 ORS 480.510 to 480.615 shall be collected by the Department of Commerce

1 and paid into the State Treasury on the first day of each month for the
2 preceding month, and credited by the State Treasurer to the [*Bureau of*
3 *Labor*] **Building Code Account created by section 34 of this 1973 Act** for
4 purposes authorized by law.

5 "SECTION 39. Section 40 of this Act is added to and made a part of
6 ORS chapter 693.

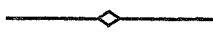
7 "SECTION 40. All receipts from fees permitted by ORS 693.050 and
8 693.060 shall be collected by the department and, on the first day of each
9 month for the preceding month, paid into the State Treasury and credited
10 by the State Treasurer to the Building Code Account created by section
11 34 of this 1973 Act.

12 "SECTION 41. (1) Sections 34 and 40 of this Act and the amendments
13 to ORS 460.175, 460.370, 479.850 and 480.610, enacted by sections 35 to 38 of
14 this Act shall be operative after June 30, 1973.

15 "(2) Any money remaining in the Electrical Regulation Account de-
16 scribed by ORS 460.175 or the Regulation Account described by ORS 479.850
17 on June 30, 1973, shall be and hereby is transferred and credited to the
18 Building Code Account created by section 34 of this Act.

19 "(3) Any money remaining in the State Plumbing Board Account,
20 authorized by ORS 670.335, on June 30, 1973, shall be and hereby is trans-
21 ferred and credited to the Building Code Account created by section 34 of
22 this Act."

23 In line 6, delete "33" and insert "42".



SENATE COMMITTEE REPORT

Salem, Oregon 5-11-73

Mr. President:

Joint

Your/Committee on Ways and Means to whom was referred

Engrossed Senate Bill 73, having had the same under consideration,

respectfully report it back with the recommendation that it:

- Do pass: Do pass with amendments:
 Be adopted: Be adopted with amendments:
 Do pass with amendments to the printed engrossed bill.
 (Referred to Committee on Ways and Means by prior reference)
 (Other—specify)

Voting no: _____

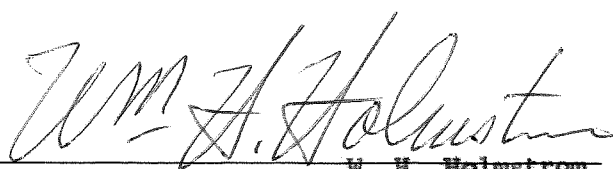
Voting aye: _____

Excused: _____

(see attached 7 pages of amendments)

Submit:

- 2 copies if no amdts.
- 4 copies if amdts.
- 5 copies if to be printed engrossed.


(Chairman) W. H. Holmstrom

Sen. Groener
will lead floor discussion.

On page 2 of the printed engrossed bill, line 4, after "447.080," insert "460.175, 460.370,".

In line 5, delete "and" ^{the first} and insert a comma ^{and insert a comma} and in the same line after "479.820" insert ", 479.850 and 480.610" and in the same line ^{after} delete "appropriating money," and insert "limiting expenditures,".

In line 35, delete "and" and insert a comma and in the same line after "techniques" insert "and maximum energy conservation".

On page 3, line 4, delete "prescribe, or" and insert ", subject to section 2a of this Act, prescribe reasonable fees for the issuance of building permits and similar documents.".

Delete lines 5 and 6.

In line 7, after "in" insert "sections 1 to 22 of".

After line 12, insert:

"Section 2a. (1) Fees shall be prescribed as required by section 2 of this Act for permits for the construction, reconstruction, alteration and repair of prefabricated structures, buildings and other structures and the installation of mechanical heating and ventilating devices and equipment. The fees shall be based on the total valuation of the proposed structure or installation, shall not exceed the maximum fees set out in the following schedule and shall not be effective until approved by the Executive Department.

"TOTAL VALUATION	MAXIMUM FEE
\$1 to \$500	\$5
\$501 to \$2,000	\$5 for the first \$500 plus \$1 for each additional \$100 or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	\$20 for the first \$2,000 plus \$3 for each additional thousand or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$89 for the first \$25,000 plus \$2.50 for each additional thousand or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$151.50 for the first \$50,000 plus \$1.50 for each additional thousand or fraction thereof, to and including \$100,000
\$100,001 and up	\$226.50 for the first \$100,000 plus \$1 for each additional thousand or fraction thereof.

"(2) The fee for checking plans and specifications submitted to the administrator under section 13 of this Act shall be the same as the fee prescribed for a permit

under subsection (1) of this section. However, if the valuation of the proposed structure or installation exceeds \$1,000, the fee shall be one-half the amount of the permit fee."

Delete lines 15 and 16 and insert:

"(1) The director shall coordinate and generally supervise the adoption,".

In line 24, delete "and" and insert a comma and in the same line after "safety" insert "and maximum energy conservation".

In line 25, after "director" insert "with the advice of the State Structural Code Advisory Board".

On page 4, line 4, delete "and" and insert a comma and in the same line after "materials" insert "and maximum energy conservation".

On page 10, delete lines 6 through 8 and insert:

"Section 17. (1) In addition to all other penalties provided by law, a person who violates or who procures, aids or abets in the violation of sections 1 to 22 of this Act or any order, rule, regulation or decision of the director shall forfeit and pay to the General Fund of the State Treasury a civil penalty in an amount to be determined by the director of not more than \$1,000 for each violation, or \$10,000 in the aggregate for all such violations within any three-month period.

"(2) In the case of a continuing violation, every day's continuance of the violation is a separate violation.

"(3) In addition to the civil penalty set forth in subsection (1) of this section, a person who violates or who procures, aids or abets in the violation of sections 1 to 22 of this Act or any order, rule,

regulation or decision of the director shall incur a penalty in an amount to be determined by the director without limitation as to amount except it shall not exceed the amount by which such person and those acting with such person in the violation profited by the act or acts of commission or omission found to be a violation under this subsection.

"(4) If the amount of the penalty provided by subsections (1) and (3) of this section is not paid to the director, the Attorney General shall bring an action in the name of the State of Oregon in the Circuit Court for Marion County to recover such penalty."

In line 27, delete "Commerce Admini-" and insert "Building Code Account created by section 34 of this Act."

Delete line 28.

On page 13, line 14, after the period delete the rest of the line and insert "Notwithstanding the provisions of any other law, the sum of \$192,898 is established".

In line 15, after "1973," insert "as the maximum limit for the payment of expenses" and in the same line after "of the" insert "Building Code Account in the" and in the same line delete the last "the".

In line 16, delete "sum of \$100,000" and insert "created by section 34 of this Act".

In line 25, delete "board" and insert "Health Division".

On page 19, after line 5, insert:

"Section 33. Section 34 of this Act is added to and made a part of ORS 184.520 to 184.570.

"Section 34. There hereby is established in the General Fund of the State Treasury the Building Code Account. Except as otherwise provided by law, all moneys appropriated or credited to the Building Code Account hereby are appropriated continuously for and shall be used by the director for the purpose of carrying out the duties and responsibilities imposed upon the Department of Commerce, its officers or divisions, under ORS 446.155 to 446.200, 447.010 to 447.140, 460.005 to 460.175, 460.310 to 460.380, 479.510 to 479.850, 480.510 to 480.615 and ORS chapter 693.

"Section 35. ORS 460.175 is amended to read:

"460.175. All receipts from fees, charges, costs, expenses and fines provided for in ORS 460.005 to 460.175 shall be collected by the [Labor Commissioner] Department of Commerce and paid to the State Treasurer on the first day of each month and credited by the State Treasurer to the [Electrical Regulation] Building Code Account created by section 34 of this 1973 Act in the General Fund. [The moneys in the Electrical Regulation Account, as may be necessary for paying the expenses for administering and enforcing ORS 460.005 to 460.175, are hereby continuously appropriated for that purpose.]

"Section 36. ORS 460.370 is amended to read:

"460.370. All fees collected by the department under ORS 460.310 to 460.380 and subsection (2) of ORS 460.990

shall be paid to the State Treasurer and [become part of] credited to the Building Code Account created by section 34 of this 1973 Act in the General Fund.

"Section 37. ORS 479.850 is amended to read:

"479.850. All receipts from fees, charges, costs, expenses and fines provided for in [section 145, chapter _____, Oregon Laws 1971 (Enrolled House Bill 1048) and] ORS 446.175, 460.165, 479.510 to 479.850 and 479.990 when collected shall be paid into the General Fund on the first day of each month and credited to the [Regulation] Building Code Account created [hereby] by section 34 of this 1973 Act. [The money in the Regulation Account that is necessary for paying the expenses of administering and enforcing section 145, chapter _____, Oregon Laws 1971 (Enrolled House Bill 1048) and ORS 446.175, 460.165, 479.510 to 479.850 and 479.990 is hereby continuously appropriated for that purpose.]

"Section 38. ORS 480.610 is amended to read:

"480.610. All receipts from fees, charges, costs and expenses under ORS 480.510 to 480.615 shall be collected by the Department of Commerce and paid into the State Treasury on the first day of each month for the preceding month, and credited by the State Treasurer to the [Bureau of Labor] Building Code Account created by section 34 of this 1973 Act for purposes authorized by law.

"Section 39. Section 40 of this Act is added to and made a part of ORS chapter 693.

"Section 40. All receipts from fees permitted by ORS 693.050 and 693.060 shall be collected by the department and, on the first day of each month for the preceding month, paid into the State Treasury and credited by the State Treasurer to the Building Code Account created by section 34 of this 1973 Act.

"Section 41. (1) Sections 34 and 40 of this Act and the amendments to ORS 460.175, 460.370, 479.850 and 480.610, enacted by sections 35 to 38 of this Act shall be operative after June 30, 1973.

"(2) Any money remaining in the Electrical Regulation Account described by ORS 460.175 or the Regulation Account described by ORS 479.850 on June 30, 1973, shall be and hereby is transferred and credited to the Building Code Account created by section 34 of this Act.

"(3) Any money remaining in the State Plumbing Board Account, authorized by ORS 670.335, on June 30, 1973, shall be and hereby is transferred and credited to the Building Code Account created by section 34 of this Act."

In line 6, delete "33" and insert "42".

*Engage 7/1/74
Jace*

Engraved
Senate Bill 73

Sponsored by Senator GROENER, Representative ELLIOTT *Martin*

*Ordered by the Senate March 16
(Including Amendments by Senate March 16)*

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**.

Structural

End f

Authorizes Director of Commerce, with advice of State **[Building Code** Advisory Board appointed from involved industries and professions, to adopt, publish and administer building code regulations covering structural standards and standards for mechanical, heating and ventilating devices and equipment, and for prefabricated structures, except as provided by prior existing law. Grants director authority to coordinate administration of building codes. Provides that state structural code **supercede** municipal structural codes and apply state-wide effective July 1, 1974. Provides for building officials, inspectors and other administrative officers, for department review of local decisions under building code regulations; and for permit fees. Establishes qualifications and provides for certification of building officials and inspectors. Makes other changes. Appropriates \$100,000 from General Fund to Department of Commerce for specified biennial expenditure. Provides penalties.

supercede

Declares emergency.

NOTE: Matter in bold face in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted; complete new sections begin with SECTION.

A BILL FOR AN ACT

1
2 Relating to property, including but not limited to the regulation of build-
3 ing construction and the installation of devices and equipment; creating
4 new provisions; amending ORS 447.020, 447.080, ~~476.030~~, 476.080, 479.530,
5 479.540 and 479.820; appropriating money; providing penalties; and
6 declaring an emergency.

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

8 **SECTION 1.** As used in sections 1 to 22 of this Act, unless the context
9 requires otherwise:

- 10 (1) "Administrator" means the state building code administrator.
- 11 (2) "Advisory board" means the State ^{Structural} Building Code Advisory Board.
- 12 (3) "Director" means the Director of Commerce.
- 13 (4) "Municipality" means a city, county or other agency of local gov-
14 ernment otherwise authorized by law to enact a building code.
- 15 (5) "Prefabricated structure" means a ~~residential~~ building or structural
16 unit which has been in whole or substantial part manufactured at an off-
17 site location to be wholly or partially assembled on site, and shall not in-
18 clude a mobile home.

Insert 1

① (6) "Specialty codes" shall include the codes that now
exist and are provided by ORS chapters 446, 447, 460, 476, 479

Insert 2

② and 480.

structural standards for building construction or amendments
thereof promulgated or administered by the director.

25 equipment ~~used to~~ prescribe and provide for the administration and
26 amendment of the state code of building construction, which will establish
27 basic and uniform performance standards providing reasonable safeguards
28 for health, safety, welfare, comfort and security of the residents of this
29 state who are occupants and users of buildings, and will provide for the
30 use of modern methods, devices, materials and techniques.

31 (2) The regulations adopted pursuant to sections 1 to 22 of this Act
32 shall include structural standards; standards for the installation and use of
33 mechanical, heating and ventilating devices and equipment; and standards
34 for prefabricated structures except mobile homes; and shall prescribe, or

A BILL FOR AN ACT

1

2 Relating to property, including but not limited to the regulation of build-
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- 15 (5) "Prefabricated structure" means a ~~residential~~ building or structural
16 unit which has been in whole or substantial part manufactured at an off-
17 site location to be wholly or partially assembled on site, and shall not in-
18 clude a mobile home.
- 19 ^{(1) (7)} ~~(6)~~ "State building code" means the combined specialty codes or any
20 amendments thereof promulgated or administered by the director.

Insert 1

Insert 2

21 **SECTION 2.** (1) Sections 1 to 22 of this Act are enacted to enable the

⁽²⁾ (8) "Structural code" means rules and regulations governing
structural standards for building construction or amendments
thereof promulgated or administered by the director. *h.e*

25 ~~equipment used to prescribe and provide for the administration and~~
26 amendment of the state code of building construction, which will establish
27 basic and uniform performance standards providing reasonable safeguards
28 for health, safety, welfare, comfort and security of the residents of this
29 state who are occupants and users of buildings, and will provide for the
30 use of modern methods, devices, materials and techniques.

31 (2) The regulations adopted pursuant to sections 1 to 22 of this Act
32 shall include structural standards; standards for the installation and use of
33 mechanical, heating and ventilating devices and equipment; and standards
34 for prefabricated structures except mobile homes; and shall prescribe, or

1 provide for the fixing of, reasonable fees for the issuance of building
2 permits and similar documents,

③

Insert ③

③ (3) Nothing in this 1973 Act, however, shall be construed as derogating in any respect from the statutory jurisdiction and authority of the Workmen's Compensation Board, under ORS Chapter 654, to promulgate occupational safety and health standards relating to places of employment, and to administer and enforce all state laws, regulations, rules, standards and lawful orders requiring places of employment to be safe and healthful.

12 stallation of mechanical devices and equipment therein, governing matters
13 of materials, design and construction, fire protection, health, sanitation
14 and safety.

15 (3) The director may amend any such code from time to time. The
16 codes of regulations and any amendment thereof shall conform insofar
17 as practicable to model building codes generally accepted and in use
18 throughout the United States. In the preparation of the codes considera-
19 tion shall be given to the existing specialty codes presently in use in the
20 State of Oregon. Such model codes with modifications considered neces-
21 sary and specialty codes may be adopted by reference. The codes so
22 promulgated and any amendments thereof shall be based on the applica-
23 tion of scientific principles, approved tests and professional judgment and,
24 to the extent that it is practical to do so, the codes shall be promulgated
25 in terms of desired results instead of the means of achieving such results,
26 avoiding wherever possible the incorporation of specifications of particular
27 methods or materials. To that end the codes shall encourage the use of
28 new methods and new materials.

29 SECTION 4. (1) Effective July 1, 1974, the state structural code shall
30 apply state-wide and supersede and take the place of the structural code
31 of any municipality.

32 (2) Other ^{specialty} ~~special~~ codes adopted by the director pursuant to sections
33 1 to 22 of this Act shall apply state-wide and shall, on the effective date

End

In.

1 provide for the fixing of, reasonable fees for the issuance of building
2 permits and similar documents, *where municipalities have failed to do so*

Insert 3
#

3 **SECTION 3.** Except as otherwise provided by ORS chapters 446, 447,
4 460, 476, 479 and 480:

5 (1) The director has the power of general supervision over and shall
6 coordinate the divisions, agencies and officers responsible for the adoption,
7 administration and enforcement of the state building code.

8 (2) The director with the advice of the State ~~Building~~ *Structural* Code Advisory
9 Board shall prepare and publish codes of regulations as authorized by
10 section 2 of this Act providing standards for the construction, reconstruc-
11 tion, alteration and repair of buildings and other structures and the in-
12 stallation of mechanical devices and equipment therein, governing matters
13 of materials, design and construction, fire protection, health, sanitation
14 and safety.

15 (3) The director may amend any such code from time to time. The
16 codes of regulations and any amendment thereof shall conform insofar
17 as practicable to model building codes generally accepted and in use
18 throughout the United States. In the preparation of the codes considera-
19 tion shall be given to the existing specialty codes presently in use in the
20 State of Oregon. Such model codes with modifications considered neces-
21 sary and specialty codes may be adopted by reference. The codes so
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24 to the extent that it is practical to do so, the codes shall be promulgated
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26 avoiding wherever possible the incorporation of specifications of particular
27 methods or materials. To that end the codes shall encourage the use of
28 new methods and new materials.

End

29 **SECTION 4.** (1) Effective July 1, 1974, the state structural code shall
30 apply state-wide and supersede and take the place of the structural code
31 of any municipality.

In

32 (2) Other ~~special~~ *specialty* codes adopted by the director pursuant to sections
33 1 to 22 of this Act shall apply state-wide and shall, on the effective date

1 provided by each such code, supersede and take the place of any similar
2 specialty code of a municipality.

3 SECTION 5. (1) The director shall appoint a State ^{Structural} Building Code
4 Advisory Board which shall serve in an advisory capacity to the director
5 in promulgating the ^{structural} specialty codes authorized by sections 1 to 22 of this
6 Act, and amendments thereto, and in reviewing decisions made by
7 municipalities appealed to the director under section 4.

Insert 4
new law

(2) The board shall consist of the number of members specified in section 4. The director may appoint additional advisory boards to carry out the intent of sections 1 to 22 of this Act.

11 appointed to serve a four-year term, commencing July 1 of the year of
12 appointment, and until his successor is appointed and qualified. The mem-
13 bership shall be broadly representative of the industries and professions
14 involved in the development and construction of buildings including rep-
15 resentation from building code enforcement agencies, architectural and
16 engineering associations, building construction trades, the contracting and
17 manufacturing industries, governing bodies of local government, ^{fire protection agencies} and the
18 general public.

19 (3) The board shall elect its own chairman, adopt rules for its pro-
20 cedure and meet ~~when so directed by the director. The board is further~~
21 ~~empowered, subject to the approval of the director and the limits of ap-~~
22 ~~propriations provided therefor, to employ such assistance as it considers~~

Insert 5
new

⁵ necessary. The director shall provide administrative facilities on call of the chairman or majority of the members. A majority of the members shall constitute a quorum to do business.

26 penses as provided by ORS 292.495.

27 SECTION 6. Notwithstanding subsection (2) of section 5 of this Act,
28 of the members initially appointed to serve on the State ^{Structural} Building Code
29 Advisory Board approximately one-half shall be appointed for terms of
30 two years and the others to serve for terms of four years.

31 SECTION 7. (1) Except as otherwise provided by this section, the di-
32 rector shall be subject to ORS 183.310 to 183.500 in the adoption, amend-
33 ment or repeal of regulations authorized by, and in the issuance of orders
34 in contested cases arising under, sections 1 to 22 of this Act.

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2 specialty code of a municipality.

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4 Advisory Board which shall serve in an advisory capacity to the director
5 in promulgating the ^{structural} specialty codes authorized by sections 1 to 22 of this
6 Act, and amendments thereto, and in reviewing decisions made by
7 municipalities appealed to the director under section 14 of this Act. ⁽⁴⁾

Insert (4)
reword

8 (2) The board shall consist of the number of members fixed pursuant
9 to ORS 670.340. The assistant to the administrator shall serve as secretary
10 of the board but shall not be a member thereof. Each member shall be
11 appointed to serve a four-year term, commencing July 1 of the year of
12 appointment, and until his successor is appointed and qualified. The mem-
13 bership shall be broadly representative of the industries and professions
14 involved in the development and construction of buildings including rep-
15 resentation from building code enforcement agencies, architectural and
16 engineering associations, building construction trades, the contracting and
17 manufacturing industries, governing bodies of local government, ^{fire protection agencies} and the
18 general public.

19 (3) The board shall elect its own chairman, adopt rules for its pro-
20 cedure and meet ~~when so directed by the director. The board is further~~
21 ~~empowered, subject to the approval of the director and the limits of ap-~~
22 ~~propriations provided therefor, to employ such assistance as it considers~~
23 ~~necessary.~~ ⁽⁵⁾ The director shall provide administrative facilities and services
24 for the board.

Insert (5)
reword

25 (4) Members of the board shall be entitled to compensation and ex-
26 penses as provided by ORS 292.495.

27 SECTION 6. Notwithstanding subsection (2) of section 5 of this Act,
28 of the members initially appointed to serve on the State ^{Structural} Building Code
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33 ment or repeal of regulations authorized by, and in the issuance of orders
34 in contested cases arising under, sections 1 to 22 of this Act.

1 (2) In addition to the notice requirements of ORS 183.335, notice of a
2 public hearing on adoption, amendment or repeal of a regulation auth-
3 orized by sections 1 to 22 of this Act shall be given to the governing
4 bodies of all municipalities and the notice shall state that copies of the
5 proposed action may be obtained at the office of the Department of
6 Commerce.

7 (3) The director shall not be required to publish or distribute those
8 parts of a code of regulations adopted by reference. However, the di-
9 rector shall publish with a specialty code and annually thereafter a list
10 of places where copies of those parts of the code adopted by reference
11 may be obtained together with the approximate cost thereof. The director
12 shall file one copy of the complete code with the Secretary of State.
13 However, all standards referred to in any specialty code or any of the
14 modifications thereto need not be so filed. All standards referred to in
15 the code shall be kept on file and available for inspection in the office of
16 the director.

17 (4) Any interested person may propose amendments to the regula-
18 tions authorized by sections 1 to 22 of this Act, which proposed amend-
19 ments may be either applicable to all municipalities or, where it is al-
20 leged and established that conditions exist within a municipality which
21 are not generally found within other municipalities, amendments may be
22 restricted in application to such municipality. The director shall approve
23 any proposed amendments which *finds at least as restrictive as the regulations authorized by sections 1 to 22 of this Act and* he considers reasonable, in conformity
24 with the policy and purpose prescribed by section 2 of this Act and
25 justified under the particular circumstances involved. Upon adoption, a
26 copy of each amendment shall be distributed to the governing bodies of all
27 municipalities affected thereby.

28 (5) With the approval of the director, the assistant to the adminis-
29 trator shall from time to time make or cause to be made investigations,
30 or may accept authenticated reports from authoritative sources, concern-
31 ing new materials or modes of construction intended for use in the con-
32 struction of buildings or structures, and shall propose amendments to the
33 code setting forth the conditions under which the materials or modes

1 (2) In addition to the notice requirements of ORS 183.335, notice of a
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 23 any proposed amendments which *finds at least as restrictive as the regulations authorized by sections 1 to 22 of this* ~~he considers reasonable~~ *act and* in conformity
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 30 or may accept authenticated reports from authoritative sources, concern-
 31 ing new materials or modes of construction intended for use in the con-
 32 struction of buildings or structures, and shall propose amendments to the
 33 code setting forth the conditions under which the materials or modes

1 may be used, in accordance with the standards and procedures of sections
2 1 to 22 of this Act.

3 **SECTION 8.** (1) The director, with the approval of the Governor,
4 shall appoint a state building code administrator who shall have general
5 supervision over the administration of the state building code regulations
6 that are the general responsibility of the director including the plumbing,
7 elevator, electrical, mobile home, boiler, amusement ride, structural; me-
8 chanical, heating and ventilating; and prefabricated structures codes. The
9 administrator shall serve at the pleasure of the director and shall be in
10 the unclassified service of the state. He shall perform such other duties as
11 the director may assign.

12 (2) The administrator, with the approval of the director, shall appoint
13 an assistant who shall be responsible for the administration of the struc-
14 tural code. The assistant shall be competent in the field of administration
15 and shall have had such previous experience in building design, construc-
16 tion and supervision as the director considers necessary. The assistant may,
17 with the approval of the director, employ inspectors and other personnel
18 as necessary to carry out his function under sections 1 to 22 of this Act.
19 He shall perform such other duties in administering the code as the director
20 may assign.

21 **SECTION 9.** By April 1, 1974, the department shall distribute without
22 charge one copy of the structural code to each municipality within the
23 state. The distribution shall not include any parts of the code adopted by
24 reference. Additional copies shall be made available to municipalities and
25 interested parties for such fee as the director shall prescribe.

26 **SECTION 10.** (1) By April 1, 1974, the governing body of each mu-
27 nicipality shall, unless other means are already provided, appoint a person
28 to administer the state building code who shall be known as building
29 official. A building official shall, in the municipality for which appointed,
30 attend to all aspects of code enforcement, including the issuance of all
31 building permits. Two or more municipalities may combine in the appoint-
32 ment of a single building official for the purpose of administering the
33 provisions of the code within their communities.

1 (2) In those municipalities for which no building officials have been
2 appointed by the designated date, the state administrator with the approval
3 of the director may appoint building officials to serve the municipalities
4 until such time as the municipalities make an appointment. If the ad-
5 ministrator is unable to make such appointment, he may use such state
6 employes or state agencies as are necessary to perform the duties of the
7 building official. All costs incurred by virtue of an appointment by the
8 administrator or services rendered by state employes shall be borne by
9 the involved municipality. Receipts arising therefrom shall be paid into
10 the State Treasury and credited to the General Fund.

11 **SECTION 11.** (1) (a) A building official, to be eligible for appoint-
12 ment, shall have had such experience in design, construction and supervision
13 the director considers necessary and shall further be generally informed
14 on the quality and strength of building materials, accepted building con-
15 struction requirements and the nature of equipment and needs conducive
16 to the safety, comfort and convenience of building occupants.

17 (b) A specialty code inspector to be eligible for appointment shall, to
18 the extent the director considers necessary to the enforcement of the par-
19 ticular specialty code, be experienced in design, construction and super-
20 vision and shall be informed on the quality and strength of building ma-
21 terials, accepted building construction requirements and the nature of
22 equipment and needs conducive to the safety, comfort and convenience of
23 building occupants.

24 (2) Building officials and specialty code inspectors shall be certified
25 as provided by this section, except that the qualifications outlined in sub-
26 section (1) of this section are not mandatory until July 1, 1977, regarding
27 any building official or inspector engaged in the administration of a build-
28 ing code for a municipality on the effective date of this Act and continuing
29 such function through July 1, 1974.

30 (3) The director shall either:

31 (a) Prepare and conduct oral, written and practical examinations to
32 determine if a person is qualified pursuant to subsection (1) of this
33 section to be a building official or inspector; or

1 (b) Accept documentation of successful completion of programs of
2 training developed by public agencies, as proof of qualification required
3 by subsection (1) of this section.

4 (4) Upon a determination of qualification under either paragraph (a)
5 or (b) of subsection (3) of this section, the director shall issue or cause
6 to be issued a certificate to the building official or inspector stating that
7 he is so certified. Each person applying for examination and certification
8 pursuant to this section shall pay a fee of \$20. The director or his designee
9 ~~may~~^{shall} establish classes of certification that will recognize the varying com-
10 plexities of code enforcement in the municipalities within the state. Except
11 as provided by subsection (2) of this section, no person shall act as a
12 building official or inspector for any municipality unless the director deter-
13 mines that he is so qualified. The director ~~may~~^{shall} prepare and conduct edu-
14 cational programs designed to train and assist building officials and
15 inspectors in carrying out their responsibilities and may institute any such
16 program after July 1, 1974.

17 **SECTION 12.** (1) The director may, upon notice and hearing, re-
18 voke the certification of any building official or inspector when it appears
19 to him by competent evidence that the building official or inspector has
20 consistently failed to act in the public interest in the performance of his
21 duties.

22 (2) Nothing in this section shall be construed to limit or otherwise
23 affect the authority of a municipality to dismiss or suspend a building offic-
24 ial or inspector at its discretion.

25 **SECTION 13.** The state building code administrator may, upon an
26 application setting forth a set of plans and specifications that will be
27 utilized in ~~more than one~~^{one or} municipality to acquire building permits, review
28 and approve the application for the construction or erection of any building
29 or structure if such set of plans meet the requirements of the state building
30 code. All costs incurred by the administrator by virtue of the examination
31 of such a set of plans and specifications shall be paid by the applicant.
32 The plans and specifications or any plans and specifications required to
33 be submitted to a state agency shall be submitted to the administrator
34 who shall examine the instruments and if necessary distribute them to the

1 appropriate state agencies for scrutiny regarding adequacy as to fire
2 safety and all other appropriate features. The state agencies shall examine
3 and promptly return the plans and specifications together with their
4 certified statement as to the adequacy of the instruments regarding that
5 agency's area of concern. Any building official shall issue a building per-
6 mit upon application and presentation to him of such a set of plans and
7 specifications bearing the approval of the administrator if the require-
8 ments of all other local ordinances are satisfied.

After municipal appeals procedures have been exhausted,

9 **SECTION 14.** Any person aggrieved by the final decision of any
10 municipality as to the application of the structural and other specialty
11 codes authorized by sections 1 to 22 of this Act may, within 30 days after
12 the date of the decision, appeal to the director. Appellant shall submit a fee
13 of \$20, payable to the director, with his request for appeal. The final
14 decision of the involved municipality shall be subject to review de novo
15 by the director, or his designated representative, assisted by the recom-
16 mendations of the advisory board as to technical and scientific facts.

17 **SECTION 15.** Building permits or certificates of occupancy validly
18 issued before July 1, 1974, regarding buildings or structures being con-
19 structed or altered pursuant thereto, shall be valid thereafter and the
20 construction may be completed pursuant to the building permit, unless
21 the building official determines that life or property is in jeopardy.

22 **SECTION 16.** The director shall prescribe a uniform form for building
23 permit applications, building permits and certificates of occupancy to
24 be used by all building officials in the administration and the enforcement
25 of the state building code. One copy of each application filed, and of each
26 permit and certificate issued, shall be forwarded at regular intervals to
27 the department, to be used by the director and others in planning the
28 activities of the department and in the preparation of reports required
29 of the department, its divisions or officers.

30 **SECTION 17.** Except as otherwise provided, a violation of any regu-
31 lation adopted pursuant to sections 1 to 22 of this Act is a Class A misde-
32 meanor.

33 **SECTION 18.** (1) For the purpose of defraying the costs of training
34 and other educational programs administered by the department under

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1 sections 1 to 22 of this Act there is hereby imposed a surcharge in the
one percent of the total building permit fees collected by a municipality
2 amount of ~~\$1 on each building permit issued by a building official~~ in
3 connection with the construction of, or addition or alteration to, buildings
4 and equipment or appurtenances on and after July 1, 1973.

5 (2) Permit surcharges shall be collected by each municipality and
6 remitted to the state. Each municipality having a population greater
7 than 40,000 people shall, on a monthly basis, prepare and submit to the
8 director a report of fees and surcharges thereon collected during the pre-
9 vious month. All other municipalities shall submit a report of fees and
10 surcharges thereon on a quarterly basis. The report, which shall be in a
11 form prescribed by the director, shall be submitted, together with a
12 remittance covering the surcharges collected, by no later than the 15th
13 day following the month or quarter in which the surcharges are collected.
14 All surcharges and other fees prescribed by sections 1 to 22 of this Act,
15 which are payable to the state, except receipts referred to by subsection
16 (2) of section 10 of this Act, shall be paid to the director who shall de-
17 posit such funds in the State Treasury for credit to the Commerce Admini-
18 stration Account created by ORS 184.570.

19 **SECTION 19.** On the effective date on which regulations promulgated
20 by the director regarding prefabricated structures are given the force
21 and effect of law, this section and section 20 of this Act shall expire and
22 have no force and effect. Until such time as the director adopts such
23 regulations, the rules set forth in section 20 shall be a part of the code
24 and govern the regulation of prefabricated structures.

25 **SECTION 20.** (1) Rule 1. General.

26 (a) Purpose. The purpose of these rules is to regulate materials and
27 establish methods of safe construction where any structure or portion
28 thereof is wholly or partially prefabricated.

29 (b) Scope. Unless otherwise specifically stated, all prefabricated con-
30 struction and all materials used therein shall conform to all requirements
31 of this code, except as otherwise noted.

32 (c) Definitions.

1 (A) "Prefabricated structure" has the meaning given that term by
2 section 1 of this Act.

3 (B) "Installation" means the assembly of a prefabricated structure on
4 site, and the process of affixing the structure to land, a foundation, footings
5 or an existing building.

6 (2) Rule 2. Tests and materials. Every approval of a material not
7 specifically mentioned in this code may incorporate as a proviso the kind
8 and number of tests to be made during prefabrication.

9 (3) Rule 3. Tests of assemblies. The state building code administra-
10 tor may require special tests to be made on prefabricated structures to
11 determine their durability and weather resistance.

12 (4) Rule 4. Connections. Every device designed to connect prefabri-
13 cated assemblies shall be capable of developing the strength of the mem-
14 bers connected, except in the case of members forming part of structural
15 frame designed as specified in other parts of the code. The connection
16 device shall be designed as required by the other parts of the code. ~~Con-~~
17 ~~nections between roofs and the supporting walls shall be capable of with-~~
18 ~~standing an uplifting equal to five pounds per square foot unless other-~~
19 ~~wise noted.~~

20 (5) Rule 5. Pipes and conduits. In structural design, due allowances
21 shall be made for any material to be removed for the installation of pipes,
22 conduits or other equipment or for on-site inspection.

23 (6) Rule 6. Certificate and inspection of materials and manufacture.

24 (a) Before any material is delivered to the site, the manufacturer shall
25 submit complete details, drawings and specifications of the assembly for
26 the approval of the state building code administrator. No prefabricated
27 structure shall be sold, offered for sale or installed in the state and no
28 permit shall be issued with respect to a building consisting in whole or
29 part of a prefabricated structure unless the materials therein and manu-
30 facture thereof have been certified by the administrator to be in com-
31 pliance with the code. The administrator shall make such inspections
32 as necessary to insure compliance and may send inspectors into other
33 states to inspect the manufacture of prefabricated structures to be sold,
34 offered for sale or installed in the state of Oregon. All costs incurred by the

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1 administrator by virtue of the inspection of materials and manufacture
2 shall be paid by the involved manufacturer. Following inspection and pay-
3 ment by the manufacturer of the costs arising therefrom the administrator
4 shall issue a certification with respect to each prefabricated structure con-
5 sidered to be in compliance with the code and a copy of the certificate
6 shall be affixed to the structure or part thereof. The certification by the
7 administrator that a prefabricated structure complies with the code shall
8 be conclusive on all agencies and instrumentalities of the state, its political
9 subdivisions and municipalities. The administrator shall require a certifi-
10 cate from the manufacturer which shall:

11 (A) Identify the manufacturer of the prefabricated structure or com-
12 ponent of the prefabricated structure.

13 (B) Identify, by serial number or otherwise, the particular prefabricat-
14 ed structure or component of the prefabricated structure being certified
15 as in compliance with the code.

16 (C) Certify that the materials used in the manufacture of prefabricated
17 structures or component of the prefabricated structures are in compliance
18 with the code.

19 (b) After certification no changes in or modifications to the pre-
20 fabricated structure or part thereof may be made by the manufacturer
21 without the approval of the administrator.

22 (7) Rule 7. On-site assembly and installation. The installation of pre-
23 fabricated structures shall comply with the provisions of the code and
24 shall be subject to the inspection of the building official of the jurisdiction
25 in which the site is situated.

26 (8) Rule 8. Continuous inspection. If continuous inspection is re-
27 quired for certain materials where construction takes place on site, it
28 shall be required where the same materials are used in prefabricated
29 construction.

30 **SECTION 21.** For the purposes of the codes of regulations adopted
31 under sections 1 to 22 of this Act, unless the context clearly indicates
32 otherwise, the following substitutions shall be made in any code adopted
33 by reference as part of the state building code:

34 (1) "Building official" for "administrative authority."

1 (2) "Governing body" for "mayor" and "city council."

2 (3) "Municipality" for "city."

3 **SECTION 22.** If the director determines that the standards for pre-
4 fabricated structures prescribed by statute, rule or regulation of another
5 state are at least equal to the regulations prescribed under sections 1 to 22
6 of this Act, and that such standards are actually enforced by such other
7 state, he may provide by regulation that prefabricated structures approved
8 by such other state shall be deemed to have been approved by the director.

9 **SECTION 23.** There is appropriated to the Department of Commerce,
10 for the biennium beginning July 1, 1973, out of the General Fund, the
11 sum of \$100,000, for the purpose of carrying out the provisions of sections
12 1 to 22 of this Act.

13 Section 24. ORS 447.020 is amended to read:

14 447.020. (1) All installations of plumbing and drainage in buildings
15 and structures in this state and all potable water supply, drainage, and
16 waste installations, within or serving buildings or structures, except in
17 temporary construction camps, and except as otherwise provided in ORS
18 447.010 to 447.140, shall be made in accordance with the requirements of
19 ORS 447.010 to 447.140.

20 (2) The board is required to see that ORS 447.010 to 447.140 and ORS
21 447.990 are enforced and may in accordance with ORS 183.330 adopt, amend
22 or repeal regulations setting minimum standards for sewage cesspool work
23 including septic tanks, disposal fields and dry wells, sewage pumping
24 equipment, tank trucks, identification of tank trucks and workmen, and
25 disposal of septic tank and cesspool sludge.

26 (3) The Director of Commerce shall make regulations for the purpose
27 of setting standards for plumbing and defining compliance with the pro-
28 visions of ORS 447.010 to 447.140 particularly pertaining to installation
29 of piping, protection and adequacy of the water supply, workmanship and
30 materials, traps and cleanouts, domestic hot water storage tanks and de-
31 vices, drinking fountains, approval of devices, equipment and fixtures,
32 hangers and supports, drainage and venting, house drains and house sew-
33 ers, stormwater drains, special wastes, light and ventilation of water

1 closets and bathrooms, and excavation and grading. **Subsection (3) of**
2 **section 3 and subsection (4) of section 7 of this 1973 Act apply to the**
3 **amendment of regulations adopted under this subsection.**

4 Section 25. ORS 447.080 is amended to read:

5 447.080. Nothing in ORS 447.010 to 447.140 prevents any city or county
6 from enacting and enforcing ordinances or building codes for the regu-
7 lation of the business of master plumbing, or sewage cesspool work, or
8 which prescribe the manner in which [*plumbing and*] drainage work shall
9 be installed in such city or county, except that such ordinances or codes
10 shall not prescribe a lower standard of installation of [*plumbing and*]
11 drainage work or sewage cesspool work than that prescribed in ORS
12 447.010 to 447.140. **Regulations adopted pursuant to subsection (3) of**
13 **ORS 447.020 shall ^{supersede} ~~supercede~~ and take the place of any city or county ordi-**
14 **nance regulating plumbing.**

15 ~~Section 26. ORS 476.030 is amended to read:~~

16 476.030. (1) The State Fire Marshal shall enforce all statutes, and
17 make rules and regulations relating to:

- 18 (a) The prevention of fires.
- 19 (b) The storage and use of combustibles and explosives.
- 20 (c) The construction, maintenance and regulation of fire escapes.
- 21 (d) Overseeing the safety of and directing the means and adequacy
22 of exit in case of fire from factories, asylums, hospitals, churches, schools,
23 halls, theaters, amphitheaters, all buildings [*, except private residences,*]
24 which are occupied for sleeping purposes, and all other places where large
25 numbers of persons work, live or congregate from time to time for any
26 purpose.
- 27 (e) Standards for equipment used for fire protection purposes within
28 this state including standard thread for fire hose couplings and hydrant
29 fittings.

30 (2) The State Fire Marshal may establish and maintain training pro-
31 grams for personnel of municipal fire departments and rural fire districts.

32 (3) The State Fire Marshal and his deputies shall have such powers and
33 perform such other duties as are prescribed by law.

delete

deleted

1 (4) If, in the opinion of the State Fire Marshal, a governmental sub-
 2 division of the state has enacted adequate regulations generally conforming
 3 to national standards concerning fire prevention, fire safety measures and
 4 building construction requirements for safety, and if the governmental
 5 subdivision provides reasonable enforcement of its regulations, he may
 6 exempt the area subject to such regulation from the statutes administered
 7 by him and from his rules and regulations. The exemption may extend
 8 for a two-year period, and may be renewed from time to time, but may be
 9 canceled by the State Fire Marshal following 30 days' written notice if he
 10 finds that the governmental subdivision's regulations or enforcement there-
 11 of are not reasonably sufficient. The governmental subdivision shall furnish
 12 a copy of such regulations to the State Fire Marshal and shall file with him
 13 any amendment thereto within 30 days before the effective date of such
 14 amendment. The State Fire Marshal shall designate a person or division
 15 within such governmental subdivision as an approved authority for exer-
 16 cising functions relating to fire prevention, fire safety measures and build-
 17 ing construction. Upon request of a local official having enforcement
 18 responsibility and a showing of unusual fire hazard or other special cir-
 19 cumstances, the State Fire Marshal shall make investigation and appropriate
 20 recommendations.

21 (5) The State Fire Marshal may investigate or cause an investigation
 22 to be made to determine the probable cause, origin and circumstances of any
 23 fire and shall classify such findings as he may find appropriate to promote
 24 fire protection and prevention.

Notes: Section 26 was deleted by amendment.

25 Section 27. ORS 476.080 is amended to read:
 26 476.080. (1) The State Fire Marshal and his deputies, at all reasonable
 27 hours, may enter into all buildings and upon all premises, ~~except private~~ *restore*
 28 *restore* residences, for the purpose of inspection to ascertain if fire hazards exist
 29 therein or thereon. *Owners of private residences may request a fire inspection of their prop-erty.*

30 (2) No person shall interfere with or prevent any such inspection
 31 by such officers.

32 (3) When any person interferes with or prevents the State Fire Marshal
 33 or his deputies from making the inspection mentioned herein, the officer
 34 shall apply to the district attorney of the county wherein the inspection

1 was made or attempted to be made, for a warrant for the arrest of the
2 offending person, and it shall be the duty of such district attorney forth-
3 with to prosecute such offending person.

4 Section 28. ORS 479.530 is amended to read:

5 479.530. As used in ORS 479.510 to 479.850, unless the context requires
6 otherwise:

7 (1) "Approved testing laboratory" means a testing laboratory making
8 scientific safety tests of electrical products in its plant by testing individual
9 samples, specimens and prototypes thereof, and maintaining an adequate
10 system of follow-up inspections in this state of the class of electrical pro-
11 ducts tested in the laboratory and offered for sale or distributed in this
12 state.

13 (2) "Board" means the Electrical Advisory Board appointed under
14 ORS 479.800.

15 (3) "Certificate of registration" means a certificate issued by the
16 Department of Commerce to a dealer in electrical products showing that
17 the dealer has registered.

18 (4) "Certified electrical product" means:

19 (a) An electrical product listed in the published list of Underwriters
20 Laboratories dated May 19, 1958, and the supplements thereto through
21 December 1958 as an approved electrical product, and which has not been
22 decertified.

23 (b) An electrical product certified by the Department of Commerce
24 under subsection (2) of ORS 479.760 which has not been decertified.

25 (c) A gas using device, with electrical components, listed in the pub-
26 lished list of American Gas Association Laboratories, dated January 1, 1959,
27 as complying with American Standard Requirements and which has not
28 been decertified.

29 (5) "Competent inspection service" means the electrical inspection
30 service of ~~an~~ incorporated city *[with safety standards not lower than those*
31 *required by ORS 479.510 to 479.850 as they apply to the type of electrical*
32 *installation covered by the city ordinance]*. *a municipality*

33 (6) "Electrical installations" include construction, installation, main-

(initials)

1 tenance and repair of electrical wiring and electrical equipment to be oper-
2 ated thereby, except communication and signal systems of railroad com-
3 panies.

4 (7) "Electrical product" includes any electrical equipment, appliance,
5 material, device or apparatus to convey or be operated by electrical current.

6 (8) "Household appliance label" includes labels for installation of
7 farming irrigation pumps, household appliances and additions to electric
8 wiring in residences.

9 (9) "Label" means a card signed by the Director of Commerce or a
10 competent inspection service of ~~an incorporated city~~ ^{a municipality} and issued to an
11 electrical contractor or property owner indicating that the electrical
12 installation proposed has been tentatively approved by the [Director of
13 Commerce] signer as meeting the minimum safety standards.

14 (10) "License" means an annual permit issued by the Department of
15 Commerce under ORS 479.630 authorizing the person whose name appears
16 as licensee thereon to act as an electrical contractor, supervising electrician,
17 journeyman or apprentice electrician as indicated thereon.

18 (11) "Minimum safety standards" means safety standards prescribed
19 by the Department of Commerce under ORS 479.730, except as provided in
20 ORS 479.720.

21 (12) "Persons" includes individuals, corporations, associations, firms,
22 partnerships and joint stock companies.

23 (13) "Serving agency" means a person principally engaged in the
24 business of generating or selling electricity in connection with the con-
25 struction or maintenance of electrical lines, wires or equipment.

26 (14) "Uncertified product" includes all electrical products which are
27 not certified.

28 Section 29. ORS ^{479.540} 479.450 is amended to read:

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29 479.540. (1) No person is required to obtain a license to make an
30 electrical installation on property which is owned by himself or a mem-
31 ber of his immediate family, and not presently intended for sale.

32 (2) No electrical contractor license is required in connection with
33 an electrical installation:

1 (a) Of meters and similar devices by a serving agency for measuring
2 electricity.

3 (b) Of ignition or lighting systems for motor vehicles.

4 (c) To be made by a person on his property in connection with his busi-
5 ness.

6 (d) To be made by a public utility or municipality for generation,
7 transmission or distribution of electricity on property which it owns or
8 manages.

9 (3) No person whose sole business is generating or selling electricity
10 in connection with the construction or maintenance of electrical lines,
11 wires or equipment, is required to obtain a certificate of registration or
12 license to transform, transmit or distribute electricity from its source to
13 the service head of the premises to be supplied thereby.

14 [(4) *No label is required for electrical installation made within the*
15 *limits of an incorporated city maintaining a competent inspection service*
16 *providing the electrical installation is of a type covered by the city ordi-*
17 *nance.*]

18 [(5)] (4) No certificate of registration is required to sell, dispose of
19 by gift or otherwise any electrical product within the limits of incorporated
20 cities ^{*municipalities*} maintaining a competent inspection service and making periodical
21 inspections of electrical stock of dealers in electrical products.

22 [(6)] (5) No certificate of registration or license is required for tem-
23 porary demonstrations.

24 [(7)] (6) The provisions of ORS 479.510 to 479.850 shall not apply to
25 electrical products owned by, supplied to, or to be supplied to public
26 utilities as defined in ORS 757.005, nor to electrical installations made by or
27 for such a public utility where the electrical installations are an integral
28 part of the equipment of such utility.

29 [(8)] (7) No label is required for the repair, alteration or replace-
30 ment of existing electrical equipment of an industrial plant.

31 [(9)] (8) In cases of emergency in industrial plants no label is re-
32 quired in advance for electrical installation made by a person licensed

1 under subsections (2), (4) and (6) of ORS 479.630 if an application accom-
2 panied by appropriate fee for a label is submitted to the Department of
3 Commerce within five days after the commencement of such electrical
4 work.

5 [(10)] (9) No person is required to obtain a license or label to set
6 in place a certified electrical product or make a connection therefrom to
7 services and facilities other than electrical.

8 Section 30. ORS 479.820 is amended to read:

9 479.820. (1) The Department of Commerce shall:

10 (a) Check the authenticity, appropriateness and expiration dates of
11 licenses and certificates of registration issued under ORS 479.510 to 479.850.

12 (b) Inspect electrical installations and products for which a label,
13 license or certificate of registration is required by ORS 479.510 to 479.850.

14 (c) Inspect labels attached to electrical installations or products for
15 which a label is required by ORS 479.510 to 479.850.

16 (2) If the Department of Commerce finds that the electrical installa-
17 tion or product fails to comply with minimum safety standards, it may dis-
18 connect or order the disconnection of service thereto.

19 (3) If the Department of Commerce finds that the condition of an
20 electrical installation or product constitutes an immediate hazard to life
21 or property, it may cut or disconnect any wire necessary to remove such
22 hazard.

23 (4) Upon written request of appropriate municipal ^{*personnel*} ~~personel~~, the De-
24 partment of Commerce may make inspections of electrical installations
25 and products within incorporated cities ^{*having by ordinance adopted mini-*}
26 ^{*municipalities*} ~~minimum safety standards for such installations or products which meet the~~
27 ~~requirements of ORS 479.510 to 479.850~~. Such inspections shall be made at
28 cost, in accordance with local municipal ordinances ^{*and building codes*} ~~[and building codes]~~,
29 payable on a monthly basis.

30 (5) For the purpose of discharging any duty imposed by ORS 479.510
31 to 479.850 or exercising authority conferred hereby the Department of
32 Commerce may, during reasonable hours, enter any building, enclosure,
33 or upon any premises where electrical work is in progress, where an
34 electrical installation has been made or where electrical equipment or

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1 products may be located. No person shall obstruct or interfere with the
2 Department of Commerce in performance of any of its duties or the exercise
3 of any authority conferred under this section.

4 **SECTION 31.** Section 32 of this Act is added ^{to} and made a part of ORS
5 479.510 to 479.850.

6 **SECTION 32.** Rules adopted under ORS 479.510 to 479.850 may be
7 amended in accordance with ORS 479.730, 479.740 and subsection (3) of
8 section 7 of this 1973 Act.

9 **SECTION 33.** This Act being necessary for the immediate preservation
10 of the public peace, health and safety, an emergency is declared to exist,
11 and this Act takes effect on its passage.



**SENATE AMENDMENTS TO
SENATE BILL 73**

By COMMITTEE ON LABOR

March 16

- 1 On page 2 of the printed bill, line 4, delete "476.030,".
- 2 In line 11, delete "Building" and insert "Structural".
- 3 In line 15, delete "residential".
- 4 After line 18, insert:
- 5 "(6) 'Specialty codes' shall include the codes that now exist and are
6 provided by ORS chapters 446, 447, 460, 476, 479 and 480."
- 7 In line 19, delete "(6)" and insert "(7)".
- 8 After line 20, insert:
- 9 "(8) 'Structural code' means rules and regulations governing structural
10 standards for building construction or amendments thereof promulgated or
11 administered by the director."
- 12 On page 3, line 2, after "documents" insert "where municipalities have
13 failed to do so".
- 14 After line 2, insert:
- 15 "(3) Nothing in this 1973 Act, however, shall be construed as derogating
16 in any respect from the statutory jurisdiction and authority of the Work-
17 men's Compensation Board, under ORS chapter 654, to promulgate occupa-
18 tional safety and health standards relating to places of employment, and
19 to administer and enforce all state laws, regulations, rules, standards and
20 lawful orders requiring places of employment to be safe and healthful."
- 21 In line 8, delete "Building" and insert "Structural".
- 22 On page 4, line 3, delete "Building" and insert "Structural".
- 23 In line 5, delete "specialty" and insert "structural".
- 24 In line 7, after the period insert "The director may appoint additional
25 advisory boards to carry out the intent of sections 1 to 22 of this Act."
- 26 In line 17, after "government" insert ", fire protection agencies".
- 27 In line 20, after "meet" delete the rest of the line and lines 21 and 22.
- 28 In line 23, delete "necessary." and insert "on call of the chairman or

1 majority of the members. A majority of the members shall constitute a
2 quorum to do business.”.

3 In line 28, delete “Building” and insert “Structural”.

4 On page 5, line 23, delete “considers reasonable” and insert “finds at
5 least as restrictive as the regulations authorized by sections 1 to 22 of
6 this Act and”.

7 On page 8, line 9, delete “may” and insert “shall”.

8 In line 13, delete “may” and insert “shall”.

9 In line 27, after “in” insert “one or” and in the same line delete “than
10 one”.

11 On page 9, line 9, after “14.” insert “after municipal appeals procedures
12 have been exhausted,”.

13 On page 10, line 2, delete “\$1 on each building permit issued by a build-
14 ing official” and insert “one percent of the total building permit fees col-
15 lected by a municipality”.

16 On page 11, line 16, delete “Con-” and delete lines 17 through 19.

17 On page 14, line 13, delete “supercede” and insert “supersede”.

18 Delete lines 15 through 33.

19 On page 15, delete lines 1 through 24 and insert:

20 “Note: Section 26 was deleted by amendment.”

21 In lines 27 and 28, restore the bracketed material.

22 In line 29, after the period insert “Owners of private residences may
23 request a fire inspection of their property.”.

24 On page 16, line 30, delete “an incorporated city” and insert “a munici-
25 pality”.

26 On page 17, line 10, delete “an incorporated city” and insert “a munici-
27 pality”.

28 On page 18, line 19, delete “incorporated”.

29 In line 20, delete “cities” and insert “municipalities”.

30 On page 19, line 23, delete “personel” and insert “personnel”.

31 In line 25, delete “incorporated cities” and insert “municipalities”.



**SENATE AMENDMENTS TO
SENATE BILL 73**

By COMMITTEE ON LABOR

March 16

- 1 On page 2 of the printed bill, line 4, delete "476.030,".
- 2 In line 11, delete "Building" and insert "Structural".
- 3 In line 15, delete "residential".
- 4 After line 18, insert:
 - 5 "(6) 'Specialty codes' shall include the codes that now exist and are
 - 6 provided by ORS chapters 446, 447, 460, 476, 479 and 480."
- 7 In line 19, delete "(6)" and insert "(7)".
- 8 After line 20, insert:
 - 9 "(8) 'Structural code' means rules and regulations governing structural
 - 10 standards for building construction or amendments thereof promulgated or
 - 11 administered by the director."
- 12 On page 3, line 2, after "documents" insert "where municipalities have
- 13 failed to do so".
- 14 After line 2, insert:
 - 15 "(3) Nothing in this 1973 Act, however, shall be construed as derogating
 - 16 in any respect from the statutory jurisdiction and authority of the Work-
 - 17 men's Compensation Board, under ORS chapter 654, to promulgate occupa-
 - 18 tional safety and health standards relating to places of employment, and
 - 19 to administer and enforce all state laws, regulations, rules, standards and
 - 20 lawful orders requiring places of employment to be safe and healthful."
- 21 In line 8, delete "Building" and insert "Structural".
- 22 On page 4, line 3, delete "Building" and insert "Structural".
- 23 In line 5, delete "specialty" and insert "structural".
- 24 In line 7, after the period insert "The director may appoint additional
- 25 advisory boards to carry out the intent of sections 1 to 22 of this Act."
- 26 In line 17, after "government" insert ", fire protection agencies".
- 27 In line 20, after "meet" delete the rest of the line and lines 21 and 22.
- 28 In line 23, delete "necessary." and insert "on call of the chairman or

1 majority of the members. A majority of the members shall constitute a
2 quorum to do business.”.

3 In line 28, delete “Building” and insert “Structural”.

4 On page 5, line 23, delete “considers reasonable” and insert “finds at
5 least as restrictive as the regulations authorized by sections 1 to 22 of
6 this Act and”.

7 On page 8, line 9, delete “may” and insert “shall”.

8 In line 13, delete “may” and insert “shall”.

9 In line 27, after “in” insert “one or” and in the same line delete “than
10 one”.

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12 have been exhausted,”.

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14 ing official” and insert “one percent of the total building permit fees col-
15 lected by a municipality”.

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30 On page 19, line 23, delete “personel” and insert “personnel”.

31 In line 25, delete “incorporated cities” and insert “municipalities”.



ENGROSSED

Senate Bill 73

Ordered by the Senate March 16
(Including Amendments by Senate March 16)

Sponsored by Senator GROENER, Representatives ELLIOTT, MARTIN

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.

Authorizes Director of Commerce, with advice of State [*Building*] **Structural Code Advisory Board** appointed from involved industries and professions, to adopt, publish and administer building code regulations covering structural standards and standards for mechanical, heating and ventilating devices and equipment, and for prefabricated structures, except as provided by prior existing law. Grants director authority to coordinate administration of building codes. Provides that state structural code supersede municipal structural codes and apply state wide effective July 1, 1974. Provides for building officials, inspectors and other administrative officers, for department review of local decisions under building code regulations; and for permit fees. Establishes qualifications and provides for certification of building officials and inspectors. Makes other changes. Appropriates \$100,000 from General Fund to Department of Commerce for specified biennial expenditure. Provides penalties.

Declares emergency.

NOTE: Matter in **bold face** in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted; complete new sections begin with **SECTION**.

A BILL FOR AN ACT

1
2 Relating to property, including but not limited to the regulation of build-
3 ing construction and the installation of devices and equipment; creating
4 new provisions; amending ORS 447.020, 447.080, 476.080, 479.530, 479.540
5 and 479.820; appropriating money; providing penalties; and declaring
6 an emergency.

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

8 **SECTION 1.** As used in sections 1 to 22 of this Act, unless the context
9 requires otherwise:

10 (1) "Administrator" means the state building code administrator.

11 (2) "Advisory board" means the State Structural Code Advisory Board.

12 (3) "Director" means the Director of Commerce.

13 (4) "Municipality" means a city, county or other agency of local gov-
14 ernment otherwise authorized by law to enact a building code.

15 (5) "Prefabricated structure" means a building or structural unit
16 which has been in whole or substantial part manufactured at an off-
17 site location to be wholly or partially assembled on site, and shall not in-
18 clude a mobile home.

19 (6) "Specialty codes" shall include the codes that now exist and are
20 provided by ORS chapters 446, 447, 460, 476, 479 and 480.

21 (7) "State building code" means the combined specialty codes or any
22 amendments thereof promulgated or administered by the director.

23 (8) "Structural code" means rules and regulations governing structural
24 standards for building construction or amendments thereof promulgated or
25 administered by the director.

26 **SECTION 2.** (1) Sections 1 to 22 of this Act are enacted to enable the
27 Director of Commerce to promulgate and administer a state building code
28 to govern the construction, reconstruction, alteration and repair of build-
29 ings and other structures and the installation of mechanical devices and
30 equipment therein to prescribe and provide for the administration and
31 amendment of the state code of building construction, which will establish
32 basic and uniform performance standards providing reasonable safeguards
33 for health, safety, welfare, comfort and security of the residents of this
34 state who are occupants and users of buildings, and will provide for the
use of modern methods, devices, materials and techniques.

1 (2) The regulations adopted pursuant to sections 1 to 22 of this Act
2 shall include structural standards; standards for the installation and use of
3 mechanical, heating and ventilating devices and equipment; and standards
4 for prefabricated structures except mobile homes; and shall prescribe, or
5 provide for the fixing of, reasonable fees for the issuance of building
6 permits and similar documents where municipalities have failed to do so.

7 (3) Nothing in this 1973 Act, however, shall be construed as derogating
8 in any respect from the statutory jurisdiction and authority of the Work-
9 men's Compensation Board, under ORS chapter 654, to promulgate occupa-
10 tional safety and health standards relating to places of employment, and
11 to administer and enforce all state laws, regulations, rules, standards and
12 lawful orders requiring places of employment to be safe and healthful.

13 **SECTION 3.** Except as otherwise provided by ORS chapters 446, 447,
14 460, 476, 479 and 480:

15 (1) The director has the power of general supervision over and shall
16 coordinate the divisions, agencies and officers responsible for the adoption,
17 administration and enforcement of the state building code.

18 (2) The director with the advice of the State Structural Code Advisory
19 Board shall prepare and publish codes of regulations as authorized by
20 section 2 of this Act providing standards for the construction, reconstruc-
21 tion, alteration and repair of buildings and other structures and the in-
22 stallation of mechanical devices and equipment therein, governing matters
23 of materials, design and construction, fire protection, health, sanitation
24 and safety.

25 (3) The director may amend any such code from time to time. The
26 codes of regulations and any amendment thereof shall conform in so far
27 as practicable to model building codes generally accepted and in use
28 throughout the United States. In the preparation of the codes considera-
29 tion shall be given to the existing specialty codes presently in use in the
30 State of Oregon. Such model codes with modifications considered neces-
31 sary and specialty codes may be adopted by reference. The codes so
32 promulgated and any amendments thereof shall be based on the applica-
33 tion of scientific principles, approved tests and professional judgment and,
34 to the extent that it is practical to do so, the codes shall be promulgated

1 in terms of desired results instead of the means of achieving such results,
2 avoiding wherever possible the incorporation of specifications of particular
3 methods or materials. To that end the codes shall encourage the use of
4 new methods and new materials.

5 **SECTION 4.** (1) Effective July 1, 1974, the state structural code shall
6 apply state-wide and supersede and take the place of the structural code
7 of any municipality.

8 (2) Other specialty codes adopted by the director pursuant to sections
9 1 to 22 of this Act shall apply state-wide and shall, on the effective date
10 provided by each such code, supersede and take the place of any similar
11 specialty code of a municipality.

12 **SECTION 5.** (1) The director shall appoint a State Structural Code
13 Advisory Board which shall serve in an advisory capacity to the director
14 in promulgating the structural codes authorized by sections 1 to 22 of this
15 Act, and amendments thereto, and in reviewing decisions made by
16 municipalities appealed to the director under section 14 of this Act. The
17 director may appoint additional advisory boards to carry out the intent
18 of sections 1 to 22 of this Act.

19 (2) The board shall consist of the number of members fixed pursuant
20 to ORS 670.340. The assistant to the administrator shall serve as secretary
21 of the board but shall not be a member thereof. Each member shall be
22 appointed to serve a four-year term, commencing July 1 of the year of
23 appointment, and until his successor is appointed and qualified. The mem-
24 bership shall be broadly representative of the industries and professions
25 involved in the development and construction of buildings including rep-
26 resentation from building code enforcement agencies, architectural and
27 engineering associations, building construction trades, the contracting and
28 manufacturing industries, governing bodies of local government, fire pro-
29 tection agencies and the general public.

30 (3) The board shall elect its own chairman, adopt rules for its pro-
31 cedure and meet on call of the chairman or majority of the members. A
32 majority of the members shall constitute a quorum to do business. The
33 director shall provide administrative facilities and services for the board.

1 (4) Members of the board shall be entitled to compensation and ex-
2 penses as provided by ORS 292.495.

3 **SECTION 6.** Notwithstanding subsection (2) of section 5 of this Act,
4 of the members initially appointed to serve on the State Structural Code
5 Advisory Board approximately one-half shall be appointed for terms of
6 two years and the others to serve for terms of four years.

7 **SECTION 7.** (1) Except as otherwise provided by this section, the di-
8 rector shall be subject to ORS 183.310 to 183.500 in the adoption, amend-
9 ment or repeal of regulations authorized by, and in the issuance of orders
10 in contested cases arising under, sections 1 to 22 of this Act.

11 (2) In addition to the notice requirements of ORS 183.335, notice of a
12 public hearing on adoption, amendment or repeal of a regulation auth-
13 orized by sections 1 to 22 of this Act shall be given to the governing
14 bodies of all municipalities and the notice shall state that copies of the
15 proposed action may be obtained at the office of the Department of
16 Commerce.

17 (3) The director shall not be required to publish or distribute those
18 parts of a code of regulations adopted by reference. However, the di-
19 rector shall publish with a specialty code and annually thereafter a list
20 of places where copies of those parts of the code adopted by reference
21 may be obtained together with the approximate cost thereof. The director
22 shall file one copy of the complete code with the Secretary of State.
23 However, all standards referred to in any specialty code or any of the
24 modifications thereto need not be so filed. All standards referred to in
25 the code shall be kept on file and available for inspection in the office of
26 the director.

27 (4) Any interested person may propose amendments to the regula-
28 tions authorized by sections 1 to 22 of this Act, which proposed amend-
29 ments may be either applicable to all municipalities or, where it is al-
30 leged and established that conditions exist within a municipality which
31 are not generally found within other municipalities, amendments may be
32 restricted in application to such municipality. The director shall approve
33 any proposed amendments which he finds at least as restrictive as the
34 regulations authorized by sections 1 to 22 of this Act and, in conformity

1 with the policy and purpose prescribed by section 2 of this Act and
2 justified under the particular circumstances involved. Upon adoption, a
3 copy of each amendment shall be distributed to the governing bodies of all
4 municipalities affected thereby.

5 (5) With the approval of the director, the assistant to the adminis-
6 trator shall from time to time make or cause to be made investigations,
7 or may accept authenticated reports from authoritative sources, concern-
8 ing new materials or modes of construction intended for use in the con-
9 struction of buildings or structures, and shall propose amendments to the
10 code setting forth the conditions under which the materials or modes
11 may be used, in accordance with the standards and procedures of sections
12 1 to 22 of this Act.

13 **SECTION 8.** (1) The director, with the approval of the Governor,
14 shall appoint a state building code administrator who shall have general
15 supervision over the administration of the state building code regulations
16 that are the general responsibility of the director including the plumbing,
17 elevator, electrical, mobile home, boiler, amusement ride, structural; me-
18 chanical, heating and ventilating; and prefabricated structures codes. The
19 administrator shall serve at the pleasure of the director and shall be in
20 the unclassified service of the state. He shall perform such other duties as
21 the director may assign.

22 (2) The administrator, with the approval of the director, shall appoint
23 an assistant who shall be responsible for the administration of the struc-
24 tural code. The assistant shall be competent in the field of administration
25 and shall have had such previous experience in building design, construc-
26 tion and supervision as the director considers necessary. The assistant may,
27 with the approval of the director, employ inspectors and other personnel
28 as necessary to carry out his function under sections 1 to 22 of this Act.
29 He shall perform such other duties in administering the code as the director
30 may assign.

31 **SECTION 9.** By April 1, 1974, the department shall distribute without
32 charge one copy of the structural code to each municipality within the
33 state. The distribution shall not include any parts of the code adopted by

1 reference. Additional copies shall be made available to municipalities and
2 interested parties for such fee as the director shall prescribe.

3 **SECTION 10.** (1) By April 1, 1974, the governing body of each mu-
4 nicipality shall, unless other means are already provided, appoint a person
5 to administer the state building code who shall be known as building
6 official. A building official shall, in the municipality for which appointed,
7 attend to all aspects of code enforcement, including the issuance of all
8 building permits. Two or more municipalities may combine in the appoint-
9 ment of a single building official for the purpose of administering the
10 provisions of the code within their communities.

11 (2) In those municipalities for which no building officials have been
12 appointed by the designated date, the state administrator with the approval
13 of the director may appoint building officials to serve the municipalities
14 until such time as the municipalities make an appointment. If the ad-
15 ministrator is unable to make such appointment, he may use such state
16 employes or state agencies as are necessary to perform the duties of the
17 building official. All costs incurred by virtue of an appointment by the
18 administrator or services rendered by state employes shall be borne by
19 the involved municipality. Receipts arising therefrom shall be paid into
20 the State Treasury and credited to the General Fund.

21 **SECTION 11.** (1) (a) A building official, to be eligible for appoint-
22 ment, shall have had such experience in design, construction and supervision
23 as the director considers necessary and shall further be generally informed
24 on the quality and strength of building materials, accepted building con-
25 struction requirements and the nature of equipment and needs conducive
26 to the safety, comfort and convenience of building occupants.

27 (b) A specialty code inspector to be eligible for appointment shall, to
28 the extent the director considers necessary to the enforcement of the par-
29 ticular specialty code, be experienced in design, construction and super-
30 vision and shall be informed on the quality and strength of building ma-
31 terials, accepted building construction requirements and the nature of
32 equipment and needs conducive to the safety, comfort and convenience of
33 building occupants.

34 (2) Building officials and specialty code inspectors shall be certified

1 as provided by this section, except that the qualifications outlined in sub-
2 section (1) of this section are not mandatory until July 1, 1977, regarding
3 any building official or inspector engaged in the administration of a build-
4 ing code for a municipality on the effective date of this Act and continuing
5 such function through July 1, 1974.

6 (3) The director shall either:

7 (a) Prepare and conduct oral, written and practical examinations to
8 determine if a person is qualified pursuant to subsection (1) of this
9 section to be a building official or inspector; or

10 (b) Accept documentation of successful completion of programs of
11 training developed by public agencies, as proof of qualification required
12 by subsection (1) of this section.

13 (4) Upon a determination of qualification under either paragraph (a)
14 or (b) of subsection (3) of this section, the director shall issue or cause
15 to be issued a certificate to the building official or inspector stating that
16 he is so certified. Each person applying for examination and certification
17 pursuant to this section shall pay a fee of \$20. The director or his designee
18 shall establish classes of certification that will recognize the varying com-
19 plexities of code enforcement in the municipalities within the state. Except
20 as provided by subsection (2) of this section, no person shall act as a
21 building official or inspector for any municipality unless the director deter-
22 mines that he is so qualified. The director shall prepare and conduct edu-
23 cational programs designed to train and assist building officials and
24 inspectors in carrying out their responsibilities and may institute any such
25 program after July 1, 1974.

26 **SECTION 12.** (1) The director may, upon notice and hearing, re-
27 voke the certification of any building official or inspector when it appears
28 to him by competent evidence that the building official or inspector has
29 consistently failed to act in the public interest in the performance of his
30 duties.

31 (2) Nothing in this section shall be construed to limit or otherwise
32 affect the authority of a municipality to dismiss or suspend a building offic-
33 ial or inspector at its discretion.

34 **SECTION 13.** The state building code administrator may, upon an

1 application setting forth a set of plans and specifications that will be
2 utilized in one or more municipality to acquire building permits, review
3 and approve the application for the construction or erection of any building
4 or structure if such set of plans meet the requirements of the state building
5 code. All costs incurred by the administrator by virtue of the examination
6 of such a set of plans and specifications shall be paid by the applicant.
7 The plans and specifications or any plans and specifications required to
8 be submitted to a state agency shall be submitted to the administrator
9 who shall examine the instruments and if necessary distribute them to the
10 appropriate state agencies for scrutiny regarding adequacy as to fire
11 safety and all other appropriate features. The state agencies shall examine
12 and promptly return the plans and specifications together with their
13 certified statement as to the adequacy of the instruments regarding that
14 agency's area of concern. Any building official shall issue a building per-
15 mit upon application and presentation to him of such a set of plans and
16 specifications bearing the approval of the administrator if the require-
17 ments of all other local ordinances are satisfied.

18 **SECTION 14.** After municipal appeals procedures have been exhausted,
19 any person aggrieved by the final decision of any municipality as to
20 the application of the structural and other specialty codes authorized
21 by sections 1 to 22 of this Act may, within 30 days after the date of
22 the decision, appeal to the director. Appellant shall submit a fee of
23 \$20, payable to the director, with his request for appeal. The final
24 decision of the involved municipality shall be subject to review de novo
25 by the director, or his designated representative, assisted by the recom-
26 mendations of the advisory board as to technical and scientific facts.

27 **SECTION 15.** Building permits or certificates of occupancy validly
28 issued before July 1, 1974, regarding buildings or structures being con-
29 structed or altered pursuant thereto, shall be valid thereafter and the
30 construction may be completed pursuant to the building permit, unless
31 the building official determines that life or property is in jeopardy.

32 **SECTION 16.** The director shall prescribe a uniform form for building
33 permit applications, building permits and certificates of occupancy to
34 be used by all building officials in the administration and the enforcement

1 of the state building code. One copy of each application filed, and of each
2 permit and certificate issued, shall be forwarded at regular intervals to
3 the department, to be used by the director and others in planning the
4 activities of the department and in the preparation of reports required
5 of the department, its divisions or officers.

6 **SECTION 17.** Except as otherwise provided, a violation of any regu-
7 lation adopted pursuant to sections 1 to 22 of this Act is a Class A misde-
8 meanor.

9 **SECTION 18.** (1) For the purpose of defraying the costs of training
10 and other educational programs administered by the department under
11 sections 1 to 22 of this Act there is hereby imposed a surcharge in the
12 amount of one percent of the total building permit fees collected by a
13 municipality in connection with the construction of, or addition or altera-
14 tion to, buildings and equipment or appurtenances on and after July 1, 1973.

15 (2) Permit surcharges shall be collected by each municipality and
16 remitted to the state. Each municipality having a population greater
17 than 40,000 people shall, on a monthly basis, prepare and submit to the
18 director a report of fees and surcharges thereon collected during the pre-
19 vious month. All other municipalities shall submit a report of fees and
20 surcharges thereon on a quarterly basis. The report, which shall be in a
21 form prescribed by the director, shall be submitted, together with a
22 remittance covering the surcharges collected, by no later than the 15th
23 day following the month or quarter in which the surcharges are collected.
24 All surcharges and other fees prescribed by sections 1 to 22 of this Act,
25 which are payable to the state, except receipts referred to by subsection
26 (2) of section 10 of this Act, shall be paid to the director who shall de-
27 posit such funds in the State Treasury for credit to the Commerce Admini-
28 stration Account created by ORS 184.570.

29 **SECTION 19.** On the effective date on which regulations promulgated
30 by the director regarding prefabricated structures are given the force
31 and effect of law, this section and section 20 of this Act shall expire and
32 have no force and effect. Until such time as the director adopts such
33 regulations, the rules set forth in section 20 shall be a part of the code
34 and govern the regulation of prefabricated structures.

1 **SECTION 20.** (1) Rule 1. General.

2 (a) Purpose. The purpose of these rules is to regulate materials and
3 establish methods of safe construction where any structure or portion
4 thereof is wholly or partially prefabricated.

5 (b) Scope. Unless otherwise specifically stated, all prefabricated con-
6 struction and all materials used therein shall conform to all requirements
7 of this code, except as otherwise noted.

8 (c) Definitions.

9 (A) "Prefabricated structure" has the meaning given that term by
10 section 1 of this Act.

11 (B) "Installation" means the assembly of a prefabricated structure on
12 site, and the process of affixing the structure to land, a foundation, footings
13 or an existing building.

14 (2) Rule 2. Tests and materials. Every approval of a material not
15 specifically mentioned in this code may incorporate as a proviso the kind
16 and number of tests to be made during prefabrication.

17 (3) Rule 3. Tests of assemblies. The state building code administra-
18 tor may require special tests to be made on prefabricated structures to
19 determine their durability and weather resistance.

20 (4) Rule 4. Connections. Every device designed to connect prefabri-
21 cated assemblies shall be capable of developing the strength of the mem-
22 bers connected, except in the case of members forming part of structural
23 frame designed as specified in other parts of the code. The connection
24 device shall be designed as required by the other parts of the code.

25 (5) Rule 5. Pipes and conduits. In structural design, due allowances
26 shall be made for any material to be removed for the installation of pipes,
27 conduits or other equipment or for on-site inspection.

28 (6) Rule 6. Certificate and inspection of materials and manufacture.

29 (a) Before any material is delivered to the site, the manufacturer shall
30 submit complete details, drawings and specifications of the assembly for
31 the approval of the state building code administrator. No prefabricated
32 structure shall be sold, offered for sale or installed in the state and no
33 permit shall be issued with respect to a building consisting in whole or
34 part of a prefabricated structure unless the materials therein and manu-

1 facture thereof have been certified by the administrator to be in com-
2 pliance with the code. The administrator shall make such inspections
3 as necessary to insure compliance and may send inspectors into other
4 states to inspect the manufacture of prefabricated structures to be sold,
5 offered for sale or installed in the State of Oregon. All costs incurred by the
6 administrator by virtue of the inspection of materials and manufacture
7 shall be paid by the involved manufacturer. Following inspection and pay-
8 ment by the manufacturer of the costs arising therefrom the administrator
9 shall issue a certification with respect to each prefabricated structure con-
10 sidered to be in compliance with the code and a copy of the certificate
11 shall be affixed to the structure or part thereof. The certification by the
12 administrator that a prefabricated structure complies with the code shall
13 be conclusive on all agencies and instrumentalities of the state, its political
14 subdivisions and municipalities. The administrator shall require a certifi-
15 cate from the manufacturer which shall:

16 (A) Identify the manufacturer of the prefabricated structure or com-
17 ponent of the prefabricated structure.

18 (B) Identify, by serial number or otherwise, the particular prefabricat-
19 ed structure or component of the prefabricated structure being certified
20 as in compliance with the code.

21 (C) Certify that the materials used in the manufacture of prefabricated
22 structures or component of the prefabricated structures are in compliance
23 with the code.

24 (b) After certification no changes in or modifications to the pre-
25 fabricated structure or part thereof may be made by the manufacturer
26 without the approval of the administrator.

27 (7) Rule 7. On-site assembly and installation. The installation of pre-
28 fabricated structures shall comply with the provisions of the code and
29 shall be subject to the inspection of the building official of the jurisdiction
30 in which the site is situated.

31 (8) Rule 8. Continuous inspection. If continuous inspection is re-
32 quired for certain materials where construction takes place on site, it
33 shall be required where the same materials are used in prefabricated
34 construction.

1 **SECTION 21.** For the purposes of the codes of regulations adopted
2 under sections 1 to 22 of this Act, unless the context clearly indicates
3 otherwise, the following substitutions shall be made in any code adopted
4 by reference as part of the state building code:

- 5 (1) "Building official" for "administrative authority."
- 6 (2) "Governing body" for "mayor" and "city council."
- 7 (3) "Municipality" for "city."

8 **SECTION 22.** If the director determines that the standards for pre-
9 fabricated structures prescribed by statute, rule or regulation of another
10 state are at least equal to the regulations prescribed under sections 1 to 22
11 of this Act, and that such standards are actually enforced by such other
12 state, he may provide by regulation that prefabricated structures approved
13 by such other state shall be deemed to have been approved by the director.

14 **SECTION 23.** There is appropriated to the Department of Commerce,
15 for the biennium beginning July 1, 1973, out of the General Fund, the
16 sum of \$100,000, for the purpose of carrying out the provisions of sections
17 1 to 22 of this Act.

18 Section 24. ORS 447.020 is amended to read:

19 447.020. (1) All installations of plumbing and drainage in buildings
20 and structures in this state and all potable water supply, drainage, and
21 waste installations, within or serving buildings or structures, except in
22 temporary construction camps, and except as otherwise provided in ORS
23 447.010 to 447.140, shall be made in accordance with the requirements of
24 ORS 447.010 to 447.140.

25 (2) The board is required to see that ORS 447.010 to 447.140 and ORS
26 447.990 are enforced and may in accordance with ORS 183.330 adopt, amend
27 or repeal regulations setting minimum standards for sewage cesspool work
28 including septic tanks, disposal fields and dry wells, sewage pumping
29 equipment, tank trucks, identification of tank trucks and workmen, and
30 disposal of septic tank and cesspool sludge.

31 (3) The Director of Commerce shall make regulations for the purpose
32 of setting standards for plumbing and defining compliance with the pro-
33 visions of ORS 447.010 to 447.140 particularly pertaining to installation
34 of piping, protection and adequacy of the water supply, workmanship and

1 materials, traps and cleanouts, domestic hot water storage tanks and de-
2 vices, drinking fountains, approval of devices, equipment and fixtures,
3 hangers and supports, drainage and venting, house drains and house sew-
4 ers, stormwater drains, special wastes, light and ventilation of water
5 closets and bathrooms, and excavation and grading. **Subsection (3) of**
6 **section 3 and subsection (4) of section 7 of this 1973 Act apply to the**
7 **amendment of regulations adopted under this subsection.**

8 Section 25. ORS 447.080 is amended to read:

9 447.080. Nothing in ORS 447.010 to 447.140 prevents any city or county
10 from enacting and enforcing ordinances or building codes for the regu-
11 lation of the business of master plumbing, or sewage cesspool work, or
12 which prescribe the manner in which [*plumbing and*] drainage work shall
13 be installed in such city or county, except that such ordinances or codes
14 shall not prescribe a lower standard of installation of [*plumbing and*]
15 drainage work or sewage cesspool work than that prescribed in ORS
16 447.010 to 447.140. **Regulations adopted pursuant to subsection (3) of**
17 **ORS 447.020 shall supersede and take the place of any city or county ordi-**
18 **nance regulating plumbing.**

19 **NOTE:** Section 26 was deleted by amendment.

20 Section 27. ORS 476.080 is amended to read:

21 476.080. (1) The State Fire Marshal and his deputies, at all reasonable
22 hours, may enter into all buildings and upon all premises, except private
23 residences, for the purpose of inspection to ascertain if fire hazards exist
24 therein or thereon. **Owners of private residences may request a fire in-**
25 **spection of their property.**

26 (2) No person shall interfere with or prevent any such inspection
27 by such officers.

28 (3) When any person interferes with or prevents the State Fire Marshal
29 or his deputies from making the inspection mentioned herein, the officer
30 shall apply to the district attorney of the county wherein the inspection
31 was made or attempted to be made, for a warrant for the arrest of the
32 offending person, and it shall be the duty of such district attorney forth-
33 with to prosecute such offending person.

1 Section 28. ORS 479.530 is amended to read:

2 479.530. As used in ORS 479.510 to 479.850, unless the context requires
3 otherwise:

4 (1) "Approved testing laboratory" means a testing laboratory making
5 scientific safety tests of electrical products in its plant by testing individual
6 samples, specimens and prototypes thereof, and maintaining an adequate
7 system of follow-up inspections in this state of the class of electrical pro-
8 ducts tested in the laboratory and offered for sale or distributed in this
9 state.

10 (2) "Board" means the Electrical Advisory Board appointed under
11 ORS 479.800.

12 (3) "Certificate of registration" means a certificate issued by the
13 Department of Commerce to a dealer in electrical products showing that
14 the dealer has registered.

15 (4) "Certified electrical product" means:

16 (a) An electrical product listed in the published list of Underwriters
17 Laboratories dated May 19, 1958, and the supplements thereto through
18 December 1958 as an approved electrical product, and which has not been
19 decertified.

20 (b) An electrical product certified by the Department of Commerce
21 under subsection (2) of ORS 479.760 which has not been decertified.

22 (c) A gas using device, with electrical components, listed in the pub-
23 lished list of American Gas Association Laboratories, dated January 1, 1959,
24 as complying with American Standard Requirements and which has not
25 been decertified.

26 (5) "Competent inspection service" means the electrical inspection
27 service of [*an incorporated city with safety standards not lower than those*
28 *required by ORS 479.510 to 479.850 as they apply to the type of electrical*
29 *installation covered by the city ordinance*] a municipality .

30 (6) "Electrical installations" include construction, installation, main-
31 tenance and repair of electrical wiring and electrical equipment to be oper-
32 ated thereby, except communication and signal systems of railroad com-
33 panies.

34 (7) "Electrical product" includes any electrical equipment, appliance,

1 material, device or apparatus to convey or be operated by electrical current.

2 (8) "Household appliance label" includes labels for installation of
3 farming irrigation pumps, household appliances and additions to electric
4 wiring in residences.

5 (9) "Label" means a card signed by the Director of Commerce or a
6 competent inspection service of a municipality and issued to an
7 electrical contractor or property owner indicating that the electrical
8 installation proposed has been tentatively approved by the [*Director of*
9 *Commerce*] signer as meeting the minimum safety standards.

10 (10) "License" means an annual permit issued by the Department of
11 Commerce under ORS 479.630 authorizing the person whose name appears
12 as licensee thereon to act as an electrical contractor, supervising electrician,
13 journeyman or apprentice electrician as indicated thereon.

14 (11) "Minimum safety standards" means safety standards prescribed
15 by the Department of Commerce under ORS 479.730, except as provided in
16 ORS 479.720.

17 (12) "Persons" includes individuals, corporations, associations, firms,
18 partnerships and joint stock companies.

19 (13) "Serving agency" means a person principally engaged in the
20 business of generating or selling electricity in connection with the con-
21 struction or maintenance of electrical lines, wires or equipment.

22 (14) "Uncertified product" includes all electrical products which are
23 not certified.

24 Section 29. ORS 479.540 is amended to read:

25 479.540. (1) No person is required to obtain a license to make an
26 electrical installation on property which is owned by himself or a mem-
27 ber of his immediate family, and not presently intended for sale.

28 (2) No electrical contractor license is required in connection with
29 an electrical installation:

30 (a) Of meters and similar devices by a serving agency for measuring
31 electricity.

32 (b) Of ignition or lighting systems for motor vehicles.

1 (c) To be made by a person on his property in connection with his busi-
2 ness.

3 (d) To be made by a public utility or municipality for generation,
4 transmission or distribution of electricity on property which it owns or
5 manages.

6 (3) No person whose sole business is generating or selling electricity
7 in connection with the construction or maintenance of electrical lines,
8 wires or equipment, is required to obtain a certificate of registration or
9 license to transform, transmit or distribute electricity from its source to
10 the service head of the premises to be supplied thereby.

11 [(4) *No label is required for electrical installation made within the*
12 *limits of an incorporated city maintaining a competent inspection service*
13 *providing the electrical installation is of a type covered by the city ordi-*
14 *nance.*]

15 [(5)] (4) No certificate of registration is required to sell, dispose of
16 by gift or otherwise any electrical product within the limits of [*incorpor-*
17 *ated cities*] **municipalities** maintaining a competent inspection service and
18 making periodical inspections of electrical stock of dealers in electrical
19 products.

20 [(6)] (5) No certificate of registration or license is required for tem-
21 porary demonstrations.

22 [(7)] (6) The provisions of ORS 479.510 to 479.850 shall not apply to
23 electrical products owned by, supplied to, or to be supplied to public
24 utilities as defined in ORS 757.005, nor to electrical installations made by or
25 for such a public utility where the electrical installations are an integral
26 part of the equipment of such utility.

27 [(8)] (7) No label is required for the repair, alteration or replace-
28 ment of existing electrical equipment of an industrial plant.

29 [(9)] (8) In cases of emergency in industrial plants no label is re-
30 quired in advance for electrical installation made by a person licensed
31 under subsections (2), (4) and (6) of ORS 479.630 if an application accom-
32 panied by appropriate fee for a label is submitted to the Department of
33 Commerce within five days after the commencement of such electrical
34 work.

1 [(10)] (9) No person is required to obtain a license or label to set
2 in place a certified electrical product or make a connection therefrom to
3 services and facilities other than electrical.

4 Section 30. ORS 479.820 is amended to read:

5 479.820. (1) The Department of Commerce shall:

6 (a) Check the authenticity, appropriateness and expiration dates of
7 licenses and certificates of registration issued under ORS 479.510 to 479.850.

8 (b) Inspect electrical installations and products for which a label,
9 license or certificate of registration is required by ORS 479.510 to 479.850.

10 (c) Inspect labels attached to electrical installations or products for
11 which a label is required by ORS 479.510 to 479.850.

12 (2) If the Department of Commerce finds that the electrical installa-
13 tion or product fails to comply with minimum safety standards, it may dis-
14 connect or order the disconnection of service thereto.

15 (3) If the Department of Commerce finds that the condition of an
16 electrical installation or product constitutes an immediate hazard to life
17 or property, it may cut or disconnect any wire necessary to remove such
18 hazard.

19 (4) Upon written request of appropriate municipal personnel, the De-
20 partment of Commerce may make inspections of electrical installations
21 and products within [*incorporated cities having by ordinance adopted mini-*
22 *imum safety standards for such installations or products which meet the*
23 *requirements of ORS 479.510 to 479.850*] **municipalities**. Such inspections
24 shall be made at cost, in accordance with local municipal ordinances
25 [*and building codes*] , payable on a monthly basis.

26 (5) For the purpose of discharging any duty imposed by ORS 479.510
27 to 479.850 or exercising authority conferred hereby the Department of
28 Commerce may, during reasonable hours, enter any building, enclosure,
29 or upon any premises where electrical work is in progress, where an
30 electrical installation has been made or where electrical equipment or
31 products may be located. No person shall obstruct or interfere with the
32 Department of Commerce in performance of any of its duties or the exercise
33 of any authority conferred under this section.

1 **SECTION 31.** Section 32 of this Act is added to and made a part of
2 ORS 479.510 to 479.850.

3 **SECTION 32.** Rules adopted under ORS 479.510 to 479.850 may be
4 amended in accordance with ORS 479.730, 479.740 and subsection (3) of
5 section 7 of this 1973 Act.

6 **SECTION 33.** This Act being necessary for the immediate preservation
7 of the public peace, health and safety, an emergency is declared to exist,
8 and this Act takes effect on its passage.



In Labor

Report #2

2/13/73

S 73 E

may conflict with
because both amend 447.020
and 447.080.

H 2333 E

Sen. Labor

S 73
3/5/73

#3

S 73

may conflict with

H 2766 E

447.020 A 73 E, R 2766 E

447.080 A 73 E, R 2766 E

SENATE AMENDMENTS TO SENATE BILL 73

By COMMITTEE ON LABOR

March 16


COMMITTEE ON LABOR AND MEANS

~~EXCUSED: Senator Newbry~~

Submit:
2 copies if no amdts.
4 copies if amdts.
5 copies if to be printed engrossed.

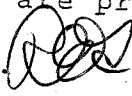
Dick Groener
Sen. Groener (Chairman)

Sen. _____
will lead floor discussion.

On page 2 of the printed bill, line 11, delete "476, 479". 
~~On page 2 of the printed bill, line 11, delete "Building"~~
and insert "Structural".

In line 15, delete "residential".

After line 18, insert:

"(6) 'Specialty codes' shall include the codes that now exist and are provided by ORS Chapters 446, 447, 460, 476, 479 and 489." 

In line 19, delete "(6)" and insert "(7)".

After line 20, insert:

"(8) 'Structural code' means rules and regulations governing structural standards for building construction or amendments thereof promulgated or administered by the director."

On page 3, line 2, after "documents" insert "where municipalities have failed to do so".

After line 2, insert:

"(3) Nothing in this 1973 Act, however, shall be construed as derogating in any respect from the statutory jurisdiction and authority of the Workmen's Compensation Board, under ORS Chapter 654, to promulgate occupational safety and health standards relating to places of employment, and to administer and enforce all state laws, regulations, rules, standards and lawful orders requiring places of employment to be safe and healthful."

In line 8, delete "Building" and insert "Structural".

On page 4, line 3, delete "Building" and insert "Structural".

In line 5, delete "specialty codes" and insert "structural codes".

In line 7, after the period insert "The director may appoint additional advisory boards to carry out the intent of sections 1 to 22 of this Act."

In line 17, after "government" insert ", fire protection agencies".

In line 20, after "meet" delete the rest of the line and lines 21 and 22.

In line 23, delete "necessary" and insert "on call of the chairman or majority of the members. A majority of the members shall constitute a quorum to do business."

In line 28, delete "Building" and insert "Structural".

On page 5, line 23, delete "considers reasonable" and insert "finds at least as restrictive as the regulations authorized by sections 1 to 22 of this Act and".

On page 8, line 9, delete "may" and insert "shall".

In line 13, delete "may" and insert "shall".

In line 27, after "in" insert "one or" and in the same line delete "than one".

On page 9, line 9, after "14:" insert "After municipal appeals procedures have been exhausted,".

On page 10, line 2, delete "\$1 on each building permit issued by a building official" and insert "1%^{one percent} of the total building permit fees collected by a municipality".

On page 11, line 16, delete "Con-" and delete lines 17, 18 ^{through} and 19.

On page 14, line 13, delete "supercede" and insert "supersede".
Delete lines 15 through 33.

On page 15, delete lines 1 through 24 and insert:
"Note: Section 26 was deleted by amendment." *POW*

in
On page 15, lines 27 and 28, restore the bracketed material.

In line 29, after the period insert "Owners of private residences may request a fire inspection of their property."

On page 16, line 30, delete "an incorporated city" and insert "a municipality".

On page 17, line 10, delete "an incorporated city" and insert "a municipality".

On page 18, line 19, delete "incorporated" and insert "municipalities".

In line 20, delete "cities" and insert "municipalities".

On page 19, line 23, delete "personel" and insert "personnel".

In line 25, delete "incorporated cities" and insert "municipalities".

Senate Bill 73

Sponsored by Senator GROENER, Representative ELLIOTT

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**.

Authorizes Director of Commerce, with advice of State Building Code Advisory Board appointed from involved industries and professions, to adopt, publish and administer building code regulations covering structural standards and standards for mechanical, heating and ventilating devices and equipment, and for prefabricated structures, except as provided by prior existing law. Grants director authority to coordinate administration of building codes. Provides that state structural code supercede municipal structural codes and apply state-wide effective July 1, 1974. Provides for building officials, inspectors and other administrative officers, for department review of local decisions under building code regulations; and for permit fees. Establishes qualifications and provides for certification of building officials and inspectors. Makes other changes. Appropriates \$100,000 from General Fund to Department of Commerce for specified biennial expenditure. Provides penalties.

Declares emergency.

NOTE: Matter in **bold face** in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted; complete new sections begin with **SECTION**.

A BILL FOR AN ACT

1
2 Relating to property, including but not limited to the regulation of build-
3 ing construction and the installation of devices and equipment; creating
4 new provisions; amending ORS 447.020, 447.080, 476.030, 476.080, 479.530,
5 479.540 and 479.820; appropriating money; providing penalties; and
6 declaring an emergency.

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

8 **SECTION 1.** As used in sections 1 to 22 of this Act, unless the context
9 requires otherwise:

- 10 (1) "Administrator" means the state building code administrator.
11 (2) "Advisory board" means the State Building Code Advisory Board.
12 (3) "Director" means the Director of Commerce.
13 (4) "Municipality" means a city, county or other agency of local gov-
14 ernment otherwise authorized by law to enact a building code.
15 (5) "Prefabricated structure" means a residential building or structural
16 unit which has been in whole or substantial part manufactured at an off-
17 site location to be wholly or partially assembled on site, and shall not in-
18 clude a mobile home.
19 (6) "State building code" means the combined specialty codes or any
20 amendments thereof promulgated or administered by the director.

21 **SECTION 2.** (1) Sections 1 to 22 of this Act are enacted to enable the
22 Director of Commerce to promulgate and administer a state building code
23 to govern the construction, reconstruction, alteration and repair of build-
24 ings and other structures and the installation of mechanical devices and
25 equipment therein to prescribe and provide for the administration and
26 amendment of the state code of building construction, which will establish
27 basic and uniform performance standards providing reasonable safeguards
28 for health, safety, welfare, comfort and security of the residents of this
29 state who are occupants and users of buildings, and will provide for the
30 use of modern methods, devices, materials and techniques.

31 (2) The regulations adopted pursuant to sections 1 to 22 of this Act
32 shall include structural standards; standards for the installation and use of
33 mechanical, heating and ventilating devices and equipment; and standards
34 for prefabricated structures except mobile homes; and shall prescribe, or

1 provide for the fixing of, reasonable fees for the issuance of building
2 permits and similar documents.

3 **SECTION 3.** Except as otherwise provided by ORS chapters 446, 447,
4 460, 476, 479 and 480:

5 (1) The director has the power of general supervision over and shall
6 coordinate the divisions, agencies and officers responsible for the adoption,
7 administration and enforcement of the state building code.

8 (2) The director with the advice of the State Building Code Advisory
9 Board shall prepare and publish codes of regulations as authorized by
10 section 2 of this Act providing standards for the construction, reconstruc-
11 tion, alteration and repair of buildings and other structures and the in-
12 stallation of mechanical devices and equipment therein, governing matters
13 of materials, design and construction, fire protection, health, sanitation
14 and safety.

15 (3) The director may amend any such code from time to time. The
16 codes of regulations and any amendment thereof shall conform insofar
17 as practicable to model building codes generally accepted and in use
18 throughout the United States. In the preparation of the codes considera-
19 tion shall be given to the existing specialty codes presently in use in the
20 State of Oregon. Such model codes with modifications considered neces-
21 sary and specialty codes may be adopted by reference. The codes so
22 promulgated and any amendments thereof shall be based on the applica-
23 tion of scientific principles, approved tests and professional judgment and,
24 to the extent that it is practical to do so, the codes shall be promulgated
25 in terms of desired results instead of the means of achieving such results,
26 avoiding wherever possible the incorporation of specifications of particular
27 methods or materials. To that end the codes shall encourage the use of
28 new methods and new materials.

29 **SECTION 4.** (1) Effective July 1, 1974, the state structural code shall
30 apply state-wide and supersede and take the place of the structural code
31 of any municipality.

32 (2) Other special codes adopted by the director pursuant to sections
33 1 to 22 of this Act shall apply state-wide and shall, on the effective date

1 provided by each such code, supersede and take the place of any similar
2 specialty code of a municipality.

3 **SECTION 5.** (1) The director shall appoint a State Building Code
4 Advisory Board which shall serve in an advisory capacity to the director
5 in promulgating the specialty codes authorized by sections 1 to 22 of this
6 Act, and amendments thereto, and in reviewing decisions made by
7 municipalities appealed to the director under section 14 of this Act.

8 (2) The board shall consist of the number of members fixed pursuant
9 to ORS 670.340. The assistant to the administrator shall serve as secretary
10 of the board but shall not be a member thereof. Each member shall be
11 appointed to serve a four-year term, commencing July 1 of the year of
12 appointment, and until his successor is appointed and qualified. The mem-
13 bership shall be broadly representative of the industries and professions
14 involved in the development and construction of buildings including rep-
15 resentation from building code enforcement agencies, architectural and
16 engineering associations, building construction trades, the contracting and
17 manufacturing industries, governing bodies of local government and the
18 general public.

19 (3) The board shall elect its own chairman, adopt rules for its pro-
20 cedure and meet when so directed by the director. The board is further
21 empowered, subject to the approval of the director and the limits of ap-
22 propriations provided therefor, to employ such assistance as it considers
23 necessary. The director shall provide administrative facilities and services
24 for the board.

25 (4) Members of the board shall be entitled to compensation and ex-
26 penses as provided by ORS 292.495.

27 **SECTION 6.** Notwithstanding subsection (2) of section 5 of this Act,
28 of the members initially appointed to serve on the State Building Code
29 Advisory Board approximately one-half shall be appointed for terms of
30 two years and the others to serve for terms of four years.

31 **SECTION 7.** (1) Except as otherwise provided by this section, the di-
32 rector shall be subject to ORS 183.310 to 183.500 in the adoption, amend-
33 ment or repeal of regulations authorized by, and in the issuance of orders
34 in contested cases arising under, sections 1 to 22 of this Act.

1 (2) In addition to the notice requirements of ORS 183.335, notice of a
2 public hearing on adoption, amendment or repeal of a regulation auth-
3 orized by sections 1 to 22 of this Act shall be given to the governing
4 bodies of all municipalities and the notice shall state that copies of the
5 proposed action may be obtained at the office of the Department of
6 Commerce.

7 (3) The director shall not be required to publish or distribute those
8 parts of a code of regulations adopted by reference. However, the di-
9 rector shall publish with a specialty code and annually thereafter a list
10 of places where copies of those parts of the code adopted by reference
11 may be obtained together with the approximate cost thereof. The director
12 shall file one copy of the complete code with the Secretary of State.
13 However, all standards referred to in any specialty code or any of the
14 modifications thereto need not be so filed. All standards referred to in
15 the code shall be kept on file and available for inspection in the office of
16 the director.

17 (4) Any interested person may propose amendments to the regula-
18 tions authorized by sections 1 to 22 of this Act, which proposed amend-
19 ments may be either applicable to all municipalities or, where it is al-
20 leged and established that conditions exist within a municipality which
21 are not generally found within other municipalities, amendments may be
22 restricted in application to such municipality. The director shall approve
23 any proposed amendments which he considers reasonable, in conformity
24 with the policy and purpose prescribed by section 2 of this Act and
25 justified under the particular circumstances involved. Upon adoption, a
26 copy of each amendment shall be distributed to the governing bodies of all
27 municipalities affected thereby.

28 (5) With the approval of the director, the assistant to the adminis-
29 trator shall from time to time make or cause to be made investigations,
30 or may accept authenticated reports from authoritative sources, concern-
31 ing new materials or modes of construction intended for use in the con-
32 struction of buildings or structures, and shall propose amendments to the
33 code setting forth the conditions under which the materials or modes

1 may be used, in accordance with the standards and procedures of sections
2 1 to 22 of this Act.

3 **SECTION 8.** (1) The director, with the approval of the Governor,
4 shall appoint a state building code administrator who shall have general
5 supervision over the administration of the state building code regulations
6 that are the general responsibility of the director including the plumbing,
7 elevator, electrical, mobile home, boiler, amusement ride, structural; me-
8 chanical, heating and ventilating; and prefabricated structures codes. The
9 administrator shall serve at the pleasure of the director and shall be in
10 the unclassified service of the state. He shall perform such other duties as
11 the director may assign.

12 (2) The administrator, with the approval of the director, shall appoint
13 an assistant who shall be responsible for the administration of the struc-
14 tural code. The assistant shall be competent in the field of administration
15 and shall have had such previous experience in building design, construc-
16 tion and supervision as the director considers necessary. The assistant may,
17 with the approval of the director, employ inspectors and other personnel
18 as necessary to carry out his function under sections 1 to 22 of this Act.
19 He shall perform such other duties in administering the code as the director
20 may assign.

21 **SECTION 9.** By April 1, 1974, the department shall distribute without
22 charge one copy of the structural code to each municipality within the
23 state. The distribution shall not include any parts of the code adopted by
24 reference. Additional copies shall be made available to municipalities and
25 interested parties for such fee as the director shall prescribe.

26 **SECTION 10.** (1) By April 1, 1974, the governing body of each mu-
27 nicipality shall, unless other means are already provided, appoint a person
28 to administer the state building code who shall be known as building
29 official. A building official shall, in the municipality for which appointed,
30 attend to all aspects of code enforcement, including the issuance of all
31 building permits. Two or more municipalities may combine in the appoint-
32 ment of a single building official for the purpose of administering the
33 provisions of the code within their communities.

1 (2) In those municipalities for which no building officials have been
2 appointed by the designated date, the state administrator with the approval
3 of the director may appoint building officials to serve the municipalities
4 until such time as the municipalities make an appointment. If the ad-
5 ministrator is unable to make such appointment, he may use such state
6 employes or state agencies as are necessary to perform the duties of the
7 building official. All costs incurred by virtue of an appointment by the
8 administrator or services rendered by state employes shall be borne by
9 the involved municipality. Receipts arising therefrom shall be paid into
10 the State Treasury and credited to the General Fund.

11 **SECTION 11.** (1) (a) A building official, to be eligible for appoint-
12 ment, shall have had such experience in design, construction and supervision
13 the director considers necessary and shall further be generally informed
14 on the quality and strength of building materials, accepted building con-
15 struction requirements and the nature of equipment and needs conducive
16 to the safety, comfort and convenience of building occupants.

17 (b) A specialty code inspector to be eligible for appointment shall, to
18 the extent the director considers necessary to the enforcement of the par-
19 ticular specialty code, be experienced in design, construction and super-
20 vision and shall be informed on the quality and strength of building ma-
21 terials, accepted building construction requirements and the nature of
22 equipment and needs conducive to the safety, comfort and convenience of
23 building occupants.

24 (2) Building officials and specialty code inspectors shall be certified
25 as provided by this section, except that the qualifications outlined in sub-
26 section (1) of this section are not mandatory until July 1, 1977, regarding
27 any building official or inspector engaged in the administration of a build-
28 ing code for a municipality on the effective date of this Act and continuing
29 such function through July 1, 1974.

30 (3) The director shall either:

31 (a) Prepare and conduct oral, written and practical examinations to
32 determine if a person is qualified pursuant to subsection (1) of this
33 section to be a building official or inspector; or

1 (b) Accept documentation of successful completion of programs of
2 training developed by public agencies, as proof of qualification required
3 by subsection (1) of this section.

4 (4) Upon a determination of qualification under either paragraph (a)
5 or (b) of subsection (3) of this section, the director shall issue or cause
6 to be issued a certificate to the building official or inspector stating that
7 he is so certified. Each person applying for examination and certification
8 pursuant to this section shall pay a fee of \$20. The director or his designee
9 may establish classes of certification that will recognize the varying com-
10 plexities of code enforcement in the municipalities within the state. Except
11 as provided by subsection (2) of this section, no person shall act as a
12 building official or inspector for any municipality unless the director deter-
13 mines that he is so qualified. The director may prepare and conduct edu-
14 cational programs designed to train and assist building officials and
15 inspectors in carrying out their responsibilities and may institute any such
16 program after July 1, 1974.

17 **SECTION 12.** (1) The director may, upon notice and hearing, re-
18 voke the certification of any building official or inspector when it appears
19 to him by competent evidence that the building official or inspector has
20 consistently failed to act in the public interest in the performance of his
21 duties.

22 (2) Nothing in this section shall be construed to limit or otherwise
23 affect the authority of a municipality to dismiss or suspend a building offic-
24 ial or inspector at its discretion.

25 **SECTION 13.** The state building code administrator may, upon an
26 application setting forth a set of plans and specifications that will be
27 utilized in more than one municipality to acquire building permits, review
28 and approve the application for the construction or erection of any building
29 or structure if such set of plans meet the requirements of the state building
30 code. All costs incurred by the administrator by virtue of the examination
31 of such a set of plans and specifications shall be paid by the applicant.
32 The plans and specifications or any plans and specifications required to
33 be submitted to a state agency shall be submitted to the administrator
34 who shall examine the instruments and if necessary distribute them to the

1 appropriate state agencies for scrutiny regarding adequacy as to fire
2 safety and all other appropriate features. The state agencies shall examine
3 and promptly return the plans and specifications together with their
4 certified statement as to the adequacy of the instruments regarding that
5 agency's area of concern. Any building official shall issue a building per-
6 mit upon application and presentation to him of such a set of plans and
7 specifications bearing the approval of the administrator if the require-
8 ments of all other local ordinances are satisfied.

9 **SECTION 14.** Any person aggrieved by the final decision of any
10 municipality as to the application of the structural and other specialty
11 codes authorized by sections 1 to 22 of this Act may, within 30 days after
12 the date of the decision, appeal to the director. Appellant shall submit a fee
13 of \$20, payable to the director, with his request for appeal. The final
14 decision of the involved municipality shall be subject to review de novo
15 by the director, or his designated representative, assisted by the recom-
16 mendations of the advisory board as to technical and scientific facts.

17 **SECTION 15.** Building permits or certificates of occupancy validly
18 issued before July 1, 1974, regarding buildings or structures being con-
19 structed or altered pursuant thereto, shall be valid thereafter and the
20 construction may be completed pursuant to the building permit, unless
21 the building official determines that life or property is in jeopardy.

22 **SECTION 16.** The director shall prescribe a uniform form for building
23 permit applications, building permits and certificates of occupancy to
24 be used by all building officials in the administration and the enforcement
25 of the state building code. One copy of each application filed, and of each
26 permit and certificate issued, shall be forwarded at regular intervals to
27 the department, to be used by the director and others in planning the
28 activities of the department and in the preparation of reports required
29 of the department, its divisions or officers.

30 **SECTION 17.** Except as otherwise provided, a violation of any regu-
31 lation adopted pursuant to sections 1 to 22 of this Act is a Class A misde-
32 meanor.

33 **SECTION 18.** (1) For the purpose of defraying the costs of training
34 and other educational programs administered by the department under

1 sections 1 to 22 of this Act there is hereby imposed a surcharge in the
2 amount of \$1 on each building permit issued by a building official in
3 connection with the construction of, or addition or alteration to, buildings
4 and equipment or appurtenances on and after July 1, 1973.

5 (2) Permit surcharges shall be collected by each municipality and
6 remitted to the state. Each municipality having a population greater
7 than 40,000 people shall, on a monthly basis, prepare and submit to the
8 director a report of fees and surcharges thereon collected during the pre-
9 vious month. All other municipalities shall submit a report of fees and
10 surcharges thereon on a quarterly basis. The report, which shall be in a
11 form prescribed by the director, shall be submitted, together with a
12 remittance covering the surcharges collected, by no later than the 15th
13 day following the month or quarter in which the surcharges are collected.
14 All surcharges and other fees prescribed by sections 1 to 22 of this Act,
15 which are payable to the state, except receipts referred to by subsection
16 (2) of section 10 of this Act, shall be paid to the director who shall de-
17 posit such funds in the State Treasury for credit to the Commerce Admini-
18 stration Account created by ORS 184.570.

19 **SECTION 19.** On the effective date on which regulations promulgated
20 by the director regarding prefabricated structures are given the force
21 and effect of law, this section and section 20 of this Act shall expire and
22 have no force and effect. Until such time as the director adopts such
23 regulations, the rules set forth in section 20 shall be a part of the code
24 and govern the regulation of prefabricated structures.

25 **SECTION 20. (1) Rule 1. General.**

26 (a) Purpose. The purpose of these rules is to regulate materials and
27 establish methods of safe construction where any structure or portion
28 thereof is wholly or partially prefabricated.

29 (b) Scope. Unless otherwise specifically stated, all prefabricated con-
30 struction and all materials used therein shall conform to all requirements
31 of this code, except as otherwise noted.

32 (c) Definitions.

1 (A) "Prefabricated structure" has the meaning given that term by
2 section 1 of this Act.

3 (B) "Installation" means the assembly of a prefabricated structure on
4 site, and the process of affixing the structure to land, a foundation, footings
5 or an existing building.

6 (2) Rule 2. Tests and materials. Every approval of a material not
7 specifically mentioned in this code may incorporate as a proviso the kind
8 and number of tests to be made during prefabrication.

9 (3) Rule 3. Tests of assemblies. The state building code administra-
10 tor may require special tests to be made on prefabricated structures to
11 determine their durability and weather resistance.

12 (4) Rule 4. Connections. Every device designed to connect prefabri-
13 cated assemblies shall be capable of developing the strength of the mem-
14 bers connected, except in the case of members forming part of structural
15 frame designed as specified in other parts of the code. The connection
16 device shall be designed as required by the other parts of the code. Con-
17 nections between roofs and the supporting walls shall be capable of with-
18 standing an uplifting equal to five pounds per square foot unless other-
19 wise noted.

20 (5) Rule 5. Pipes and conduits. In structural design, due allowances
21 shall be made for any material to be removed for the installation of pipes,
22 conduits or other equipment or for on-site inspection.

23 (6) Rule 6. Certificate and inspection of materials and manufacture.

24 (a) Before any material is delivered to the site, the manufacturer shall
25 submit complete details, drawings and specifications of the assembly for
26 the approval of the state building code administrator. No prefabricated
27 structure shall be sold, offered for sale or installed in the state and no
28 permit shall be issued with respect to a building consisting in whole or
29 part of a prefabricated structure unless the materials therein and manu-
30 facture thereof have been certified by the administrator to be in com-
31 pliance with the code. The administrator shall make such inspections
32 as necessary to insure compliance and may send inspectors into other
33 states to inspect the manufacture of prefabricated structures to be sold,
34 offered for sale or installed in the state of Oregon. All costs incurred by the

1 administrator by virtue of the inspection of materials and manufacture
2 shall be paid by the involved manufacturer. Following inspection and pay-
3 ment by the manufacturer of the costs arising therefrom the administrator
4 shall issue a certification with respect to each prefabricated structure con-
5 sidered to be in compliance with the code and a copy of the certificate
6 shall be affixed to the structure or part thereof. The certification by the
7 administrator that a prefabricated structure complies with the code shall
8 be conclusive on all agencies and instrumentalities of the state, its political
9 subdivisions and municipalities. The administrator shall require a certifi-
10 cate from the manufacturer which shall:

11 (A) Identify the manufacturer of the prefabricated structure or com-
12 ponent of the prefabricated structure.

13 (B) Identify, by serial number or otherwise, the particular prefabricat-
14 ed structure or component of the prefabricated structure being certified
15 as in compliance with the code.

16 (C) Certify that the materials used in the manufacture of prefabricated
17 structures or component of the prefabricated structures are in compliance
18 with the code.

19 (b) After certification no changes in or modifications to the pre-
20 fabricated structure or part thereof may be made by the manufacturer
21 without the approval of the administrator.

22 (7) Rule 7. On-site assembly and installation. The installation of pre-
23 fabricated structures shall comply with the provisions of the code and
24 shall be subject to the inspection of the building official of the jurisdiction
25 in which the site is situated.

26 (8) Rule 8. Continuous inspection. If continuous inspection is re-
27 quired for certain materials where construction takes place on site, it
28 shall be required where the same materials are used in prefabricated
29 construction.

30 **SECTION 21.** For the purposes of the codes of regulations adopted
31 under sections 1 to 22 of this Act, unless the context clearly indicates
32 otherwise, the following substitutions shall be made in any code adopted
33 by reference as part of the state building code:

34 (1) "Building official" for "administrative authority."

1 (2) "Governing body" for "mayor" and "city council."

2 (3) "Municipality" for "city."

3 **SECTION 22.** If the director determines that the standards for pre-
4 fabricated structures prescribed by statute, rule or regulation of another
5 state are at least equal to the regulations prescribed under sections 1 to 22
6 of this Act, and that such standards are actually enforced by such other
7 state, he may provide by regulation that prefabricated structures approved
8 by such other state shall be deemed to have been approved by the director.

9 **SECTION 23.** There is appropriated to the Department of Commerce,
10 for the biennium beginning July 1, 1973, out of the General Fund, the
11 sum of \$100,000, for the purpose of carrying out the provisions of sections
12 1 to 22 of this Act.

13 Section 24. ORS 447.020 is amended to read:

14 447.020. (1) All installations of plumbing and drainage in buildings
15 and structures in this state and all potable water supply, drainage, and
16 waste installations, within or serving buildings or structures, except in
17 temporary construction camps, and except as otherwise provided in ORS
18 447.010 to 447.140, shall be made in accordance with the requirements of
19 ORS 447.010 to 447.140.

20 (2) The board is required to see that ORS 447.010 to 447.140 and ORS
21 447.990 are enforced and may in accordance with ORS 183.330 adopt, amend
22 or repeal regulations setting minimum standards for sewage cesspool work
23 including septic tanks, disposal fields and dry wells, sewage pumping
24 equipment, tank trucks, identification of tank trucks and workmen, and
25 disposal of septic tank and cesspool sludge.

26 (3) The Director of Commerce shall make regulations for the purpose
27 of setting standards for plumbing and defining compliance with the pro-
28 visions of ORS 447.010 to 447.140 particularly pertaining to installation
29 of piping, protection and adequacy of the water supply, workmanship and
30 materials, traps and cleanouts, domestic hot water storage tanks and de-
31 vices, drinking fountains, approval of devices, equipment and fixtures,
32 hangers and supports, drainage and venting, house drains and house sew-
33 ers, stormwater drains, special wastes, light and ventilation of water

1 closets and bathrooms, and excavation and grading. **Subsection (3) of**
2 **section 3 and subsection (4) of section 7 of this 1973 Act apply to the**
3 **amendment of regulations adopted under this subsection.**

4 Section 25. ORS 447.080 is amended to read:

5 447.080. Nothing in ORS 447.010 to 447.140 prevents any city or county
6 from enacting and enforcing ordinances or building codes for the regu-
7 lation of the business of master plumbing, or sewage cesspool work, or
8 which prescribe the manner in which [*plumbing and*] drainage work shall
9 be installed in such city or county, except that such ordinances or codes
10 shall not prescribe a lower standard of installation of [*plumbing and*]
11 drainage work or sewage cesspool work than that prescribed in ORS
12 447.010 to 447.140. **Regulations adopted pursuant to subsection (3) of**
13 **ORS 447.020 shall supercede and take the place of any city or county ordi-**
14 **nance regulating plumbing.**

15 Section 26. ORS 476.030 is amended to read:

16 476.030. (1) The State Fire Marshal shall enforce all statutes, and
17 make rules and regulations relating to:

18 (a) The prevention of fires.

19 (b) The storage and use of combustibles and explosives.

20 (c) The construction, maintenance and regulation of fire escapes.

21 (d) Overseeing the safety of and directing the means and adequacy
22 of exit in case of fire from factories, asylums, hospitals, churches, schools,
23 halls, theaters, amphitheaters, all buildings [*, except private residences,*]
24 which are occupied for sleeping purposes, and all other places where large
25 numbers of persons work, live or congregate from time to time for any
26 purpose.

27 (e) Standards for equipment used for fire protection purposes within
28 this state including standard thread for fire hose couplings and hydrant
29 fittings.

30 (2) The State Fire Marshal may establish and maintain training pro-
31 grams for personnel of municipal fire departments and rural fire districts.

32 (3) The State Fire Marshal and his deputies shall have such powers and
33 perform such other duties as are prescribed by law.

1 (4) If, in the opinion of the State Fire Marshal, a governmental sub-
2 division of the state has enacted adequate regulations generally conforming
3 to national standards concerning fire prevention, fire safety measures and
4 building construction requirements for safety, and if the governmental
5 subdivision provides reasonable enforcement of its regulations, he may
6 exempt the area subject to such regulation from the statutes administered
7 by him and from his rules and regulations. The exemption may extend
8 for a two-year period, and may be renewed from time to time, but may be
9 canceled by the State Fire Marshal following 30 days' written notice if he
10 finds that the governmental subdivision's regulations or enforcement there-
11 of are not reasonably sufficient. The governmental subdivision shall furnish
12 a copy of such regulations to the State Fire Marshal and shall file with him
13 any amendment thereto within 30 days before the effective date of such
14 amendment. The State Fire Marshal shall designate a person or division
15 within such governmental subdivision as an approved authority for exer-
16 cising functions relating to fire prevention, fire safety measures and build-
17 ing construction. Upon request of a local official having enforcement
18 responsibility and a showing of unusual fire hazard or other special cir-
19 cumstances, the State Fire Marshal shall make investigation and appropriate
20 recommendations.

21 (5) The State Fire Marshal may investigate or cause an investigation
22 to be made to determine the probable cause, origin and circumstances of any
23 fire and shall classify such findings as he may find appropriate to promote
24 fire protection and prevention.

25 Section 27. ORS 476.080 is amended to read:

26 476.080. (1) The State Fire Marshal and his deputies, at all reasonable
27 hours, may enter into all buildings and upon all premises [, *except private*
28 *residences,*] for the purpose of inspection to ascertain if fire hazards exist
29 therein or thereon.

30 (2) No person shall interfere with or prevent any such inspection
31 by such officers.

32 (3) When any person interferes with or prevents the State Fire Marshal
33 or his deputies from making the inspection mentioned herein, the officer
34 shall apply to the district attorney of the county wherein the inspection

1 was made or attempted to be made, for a warrant for the arrest of the
2 offending person, and it shall be the duty of such district attorney forth-
3 with to prosecute such offending person.

4 Section 28. ORS 479.530 is amended to read:

5 479.530. As used in ORS 479.510 to 479.850, unless the context requires
6 otherwise:

7 (1) "Approved testing laboratory" means a testing laboratory making
8 scientific safety tests of electrical products in its plant by testing individual
9 samples, specimens and prototypes thereof, and maintaining an adequate
10 system of follow-up inspections in this state of the class of electrical pro-
11 ducts tested in the laboratory and offered for sale or distributed in this
12 state.

13 (2) "Board" means the Electrical Advisory Board appointed under
14 ORS 479.800.

15 (3) "Certificate of registration" means a certificate issued by the
16 Department of Commerce to a dealer in electrical products showing that
17 the dealer has registered.

18 (4) "Certified electrical product" means:

19 (a) An electrical product listed in the published list of Underwriters
20 Laboratories dated May 19, 1958, and the supplements thereto through
21 December 1958 as an approved electrical product, and which has not been
22 decertified.

23 (b) An electrical product certified by the Department of Commerce
24 under subsection (2) of ORS 479.760 which has not been decertified.

25 (c) A gas using device, with electrical components, listed in the pub-
26 lished list of American Gas Association Laboratories, dated January 1, 1959,
27 as complying with American Standard Requirements and which has not
28 been decertified.

29 (5) "Competent inspection service" means the electrical inspection
30 service of an incorporated city [*with safety standards not lower than those*
31 *required by ORS 479.510 to 479.850 as they apply to the type of electrical*
32 *installation covered by the city ordinance*].

33 (6) "Electrical installations" include construction, installation, main-

1 tenance and repair of electrical wiring and electrical equipment to be oper-
2 ated thereby, except communication and signal systems of railroad com-
3 panies.

4 (7) "Electrical product" includes any electrical equipment, appliance,
5 material, device or apparatus to convey or be operated by electrical current.

6 (8) "Household appliance label" includes labels for installation of
7 farming irrigation pumps, household appliances and additions to electric
8 wiring in residences.

9 (9) "Label" means a card signed by the Director of Commerce or a
10 **competent inspection service of an incorporated city** and issued to an
11 electrical contractor or property owner indicating that the electrical
12 installation proposed has been tentatively approved by the [*Director of*
13 *Commerce*] **signer** as meeting the minimum safety standards.

14 (10) "License" means an annual permit issued by the Department of
15 Commerce under ORS 479.630 authorizing the person whose name appears
16 as licensee thereon to act as an electrical contractor, supervising electrician,
17 journeyman or apprentice electrician as indicated thereon.

18 (11) "Minimum safety standards" means safety standards prescribed
19 by the Department of Commerce under ORS 479.730, except as provided in
20 ORS 479.720.

21 (12) "Persons" includes individuals, corporations, associations, firms,
22 partnerships and joint stock companies.

23 (13) "Serving agency" means a person principally engaged in the
24 business of generating or selling electricity in connection with the con-
25 struction or maintenance of electrical lines, wires or equipment.

26 (14) "Uncertified product" includes all electrical products which are
27 not certified.

28 Section 29. ORS 479.450 is amended to read:

29 479.540. (1) No person is required to obtain a license to make an
30 electrical installation on property which is owned by himself or a mem-
31 ber of his immediate family, and not presently intended for sale.

32 (2) No electrical contractor license is required in connection with
33 an electrical installation:

1 (a) Of meters and similar devices by a serving agency for measuring
2 electricity.

3 (b) Of ignition or lighting systems for motor vehicles.

4 (c) To be made by a person on his property in connection with his busi-
5 ness.

6 (d) To be made by a public utility or municipality for generation,
7 transmission or distribution of electricity on property which it owns or
8 manages.

9 (3) No person whose sole business is generating or selling electricity
10 in connection with the construction or maintenance of electrical lines,
11 wires or equipment, is required to obtain a certificate of registration or
12 license to transform, transmit or distribute electricity from its source to
13 the service head of the premises to be supplied thereby.

14 [(4) *No label is required for electrical installation made within the*
15 *limits of an incorporated city maintaining a competent inspection service*
16 *providing the electrical installation is of a type covered by the city ordi-*
17 *nance.*]

18 [(5)] (4) No certificate of registration is required to sell, dispose of
19 by gift or otherwise any electrical product within the limits of incorporated
20 cities maintaining a competent inspection service and making periodical
21 inspections of electrical stock of dealers in electrical products.

22 [(6)] (5) No certificate of registration or license is required for tem-
23 porary demonstrations.

24 [(7)] (6) The provisions of ORS 479.510 to 479.850 shall not apply to
25 electrical products owned by, supplied to, or to be supplied to public
26 utilities as defined in ORS 757.005, nor to electrical installations made by or
27 for such a public utility where the electrical installations are an integral
28 part of the equipment of such utility.

29 [(8)] (7) No label is required for the repair, alteration or replace-
30 ment of existing electrical equipment of an industrial plant.

31 [(9)] (8) In cases of emergency in industrial plants no label is re-
32 quired in advance for electrical installation made by a person licensed

1 under subsections (2), (4) and (6) of ORS 479.630 if an application accom-
2 panied by appropriate fee for a label is submitted to the Department of
3 Commerce within five days after the commencement of such electrical
4 work.

5 [(10)] (9) No person is required to obtain a license or label to set
6 in place a certified electrical product or make a connection therefrom to
7 services and facilities other than electrical.

8 Section 30. ORS 479.820 is amended to read:

9 479.820. (1) The Department of Commerce shall:

10 (a) Check the authenticity, appropriateness and expiration dates of
11 licenses and certificates of registration issued under ORS 479.510 to 479.850.

12 (b) Inspect electrical installations and products for which a label,
13 license or certificate of registration is required by ORS 479.510 to 479.850.

14 (c) Inspect labels attached to electrical installations or products for
15 which a label is required by ORS 479.510 to 479.850.

16 (2) If the Department of Commerce finds that the electrical installa-
17 tion or product fails to comply with minimum safety standards, it may dis-
18 connect or order the disconnection of service thereto.

19 (3) If the Department of Commerce finds that the condition of an
20 electrical installation or product constitutes an immediate hazard to life
21 or property, it may cut or disconnect any wire necessary to remove such
22 hazard.

23 (4) Upon written request of appropriate municipal personel, the De-
24 partment of Commerce may make inspections of electrical installations
25 and products within incorporated cities [*having by ordinance adopted mini-*
26 *mum safety standards for such installations or products which meet the*
27 *requirements of ORS 479.510 to 479.850*]. Such inspections shall be made at
28 cost, in accordance with local municipal ordinances [*and building codes*],
29 payable on a monthly basis.

30 (5) For the purpose of discharging any duty imposed by ORS 479.510
31 to 479.850 or exercising authority conferred hereby the Department of
32 Commerce may, during reasonable hours, enter any building, enclosure,
33 or upon any premises where electrical work is in progress, where an
34 electrical installation has been made or where electrical equipment or

1 products may be located. No person shall obstruct or interfere with the
2 Department of Commerce in performance of any of its duties or the exercise
3 of any authority conferred under this section.

4 **SECTION 31.** Section 32 of this Act is added and made a part of ORS
5 479.510 to 479.850.

6 **SECTION 32.** Rules adopted under ORS 479.510 to 479.850 may be
7 amended in accordance with ORS 479.730, 479.740 and subsection (3) of
8 section 7 of this 1973 Act.

9 **SECTION 33.** This Act being necessary for the immediate preservation
10 of the public peace, health and safety, an emergency is declared to exist,
11 and this Act takes effect on its passage.



A BILL FOR

AN ACT

Relating to property, including but not limited to the regulation of building construction and the installation of devices and equipment; creating new provisions; amending ORS 447.020, 447.080, 476.030, 476.080, 479.530, 479.540 and 479.820; appropriating money; providing penalties; and declaring an emergency.

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

Section 1. As used in sections 1 to 22 of this Act, unless the context requires otherwise:

(1) "Administrator" means the state building code administrator.

(2) "Advisory board" means the State Building Code Advisory Board.

(3) "Director" means the Director of Commerce.

(4) "Municipality" means a city, county or other agency of local government otherwise authorized by law to enact a building code.

(5) "Prefabricated structure" means a residential building or structural unit which has been in whole or substantial part manufactured at an off-site location to be wholly or partially assembled on site, and shall not include a mobile home.

(6) "State building code" means the combined specialty codes or any amendments thereof promulgated or administered by the director.

Section 2. (1) Sections 1 to 22 of this Act are enacted to enable the Director of Commerce to promulgate and administer a state building code to govern the construction, reconstruction, alteration and repair of buildings and other structures and the installation of mechanical devices and equipment therein to prescribe and provide for the administration and amendment of the state code of building construction, which will establish basic and uniform performance standards providing reasonable safeguards for health, safety, welfare, comfort and security of the residents of this state who are occupants and users of buildings, and will provide for the use of modern methods, devices, materials and techniques.

(2) The regulations adopted pursuant to sections 1 to 22 of this Act shall include structural standards; standards for the installation and use of mechanical, heating and ventilating devices and equipment; and standards for prefabricated structures except mobile homes; and shall prescribe, or provide for the fixing of, reasonable fees for the issuance of building permits and similar documents.

Section 3. Except as otherwise provided by ORS chapters 446, 447, 460, 476, 479 and 480:

(1) The director has the power of general supervision over and shall coordinate the divisions, agencies and officers

responsible for the adoption, administration and enforcement of the state building code.

(2) The director with the advice of the ^{State} Building Code Advisory Board shall prepare and publish codes of regulations as authorized by section 2 of this Act providing standards for the construction, reconstruction, alteration and repair of buildings and other structures and the installation of mechanical devices and equipment therein, governing matters of materials, design and construction, fire protection, health, sanitation and safety.

(3) The director may amend any such code from time to time. The codes of regulations and any amendment thereof shall conform insofar as practicable to model building codes generally accepted and in use throughout the United States. In the preparation of the codes consideration shall be given to the existing specialty codes presently in use in the State of Oregon. Such model codes with modifications considered necessary and specialty codes may be adopted by reference. The codes so promulgated and any amendments thereof shall be based on the application of scientific principles, approved tests and professional judgment and, to the extent that it is practical to do so, the codes shall be promulgated in terms of desired results instead of the means of achieving such results, avoiding wherever possible the incorporation of specifications of particular methods or materials, to that end the codes shall encourage the use of new methods and new materials.

4) Section 4. (1) Effective July 1, 1974, the state structural code shall apply state-wide and supersede and take the place of the structural code of any municipality.

(2) Other specialty codes adopted by the director pursuant to sections 1 to 22 of this Act shall apply state-wide and shall, on the effective date provided by each such code, supersede and take the place of any similar specialty code of a municipality.

4) Section 5. (1) The director shall appoint a ^{State} building code advisory board which shall serve in an advisory capacity to the director in promulgating the specialty codes authorized by sections 1 to 22 of this Act, and amendments thereto, and in reviewing decisions made by municipalities appealed to the director under section 14 of this Act.

(2) The board shall consist of the number of members fixed pursuant to ORS 670.340. The assistant to the administrator shall serve as secretary of the board but shall not be a member thereof. Each member shall be appointed to serve a four-year term, commencing July 1 of the year of appointment, and until his successor is appointed and qualified. The membership shall be broadly representative of the industries and professions involved in the development and construction of buildings including representation from building code enforcement agencies, architectural and engineering associations, building construction trades, the contracting and manufacturing industries, governing bodies of local government and the general public.

(3) The board shall elect its own chairman, adopt rules for its procedure and meet when so directed by the director. The board is further empowered, subject to the approval of the director and the limits of appropriations provided therefor, to employ such assistance as it considers necessary. The director shall provide administrative facilities and services for the board.

(4) Members of the board shall be entitled to compensation and expenses as provided by ORS 292.495.

Section 6. Notwithstanding subsection (2) of section 5 of this Act, of the members initially appointed to serve on the ^{state} Building Code Advisory Board approximately one-half shall be appointed for terms of two years and the others to serve for terms of four years.

Section 7. (1) Except as otherwise provided by this section, the director shall be subject to ORS 183.310 to 183.500 in the adoption, amendment or repeal of regulations authorized by, and in the issuance of orders in contested cases arising under, sections 1 to 22 of this Act.

(2) In addition to the notice requirements of ORS 183.335, notice of a public hearing on adoption, amendment or repeal of a regulation authorized by sections 1 to 22 of this Act shall be given to the governing bodies of all municipalities and the notice shall state that copies of the proposed action may be obtained at the office of the Department of Commerce.

(3) The director shall not be required to publish or distribute those parts of a code of regulations adopted by reference. However, the director shall publish with a specialty code and annually thereafter a list of places where copies of those parts of the code adopted by reference may be obtained together with the approximate cost thereof. The director shall file one copy of the complete code with the Secretary of State. However, all standards referred to in any specialty code or any of the modifications thereto need not be so filed. All standards referred to in the code shall be kept on file and available for inspection in the office of the director.

(4) Any interested person may propose amendments to the regulations authorized by sections 1 to 22 of this Act, which proposed amendments may be either applicable to all municipalities or, where it is alleged and established that conditions exist within a municipality which are not generally found within other municipalities, amendments may be restricted in application to such municipality. The director shall approve any proposed amendments which he considers reasonable, in conformity with the policy and purpose prescribed by section 2 of this Act and justified under the particular circumstances involved. Upon adoption, a copy of each amendment shall be distributed to the governing bodies of all municipalities affected thereby.

(5) With the approval of the director, the assistant to the administrator shall from time to time make or cause to be

made investigations, or may accept authenticated reports from authoritative sources, concerning new materials or modes of construction intended for use in the construction of buildings or structures, and shall propose amendments to the code setting forth the conditions under which the materials or modes may be used, in accordance with the standards and procedures of sections 1 to 22 of this Act.

Section 8. (1) The director, with the approval of the Governor, shall appoint a state building code administrator who shall have general supervision over the administration of the state building code regulations that are the general responsibility of the director including the plumbing, elevator, electrical, mobile home, boiler, amusement ride, structural; mechanical, heating and ventilating; and prefabricated structures codes. The administrator shall serve at the pleasure of the director and shall be in the unclassified service of the state. He shall perform such other duties as the director may assign.

(2) The administrator, with the approval of the director, shall appoint an assistant who shall be responsible for the administration of the structural code. The assistant shall be competent in the field of administration and shall have had such previous experience in building design, construction and supervision as the director considers necessary. The assistant may, with the approval of the

director, employ inspectors and other personnel as necessary to carry out his function under sections 1 to 22 of this Act. He shall perform such other duties in administering the code as the director may assign.

Section 9. By April 1, 1974, the department shall distribute without charge one copy of the structural code to each municipality within the state. The distribution shall not include any parts of the code adopted by reference. Additional copies shall be made available to municipalities and interested parties for such fee as the director shall prescribe.

Section 10. (1) By April 1, 1974, the governing body of each municipality shall, unless other means are already provided, appoint a person to administer the state building code who shall be known as building official. A building official shall, in the municipality for which appointed, attend to all aspects of code enforcement, including the issuance of all building permits. Two or more municipalities may combine in the appointment of a single building official for the purpose of administering the provisions of the code within their communities.

(2) In those municipalities for which no building officials have been appointed by the designated date, the state administrator with the approval of the director may appoint building officials to serve the municipalities until such time as the municipalities make an appointment. If the administrator is unable to make such appointment, he may use such state employees

or state agencies as are necessary to perform the duties of the building official. All costs incurred by virtue of an appointment by the administrator or services rendered by state employes shall be borne by the involved municipality. Receipts arising therefrom shall be paid into the State Treasury and credited to the General Fund.

Section 11. (1) (a) A building official, to be eligible for appointment, shall have had such experience in design, construction and supervision as the director considers necessary and shall further be generally informed on the quality and strength of building materials, accepted building construction requirements and the nature of equipment and needs conducive to the safety, comfort and convenience of building occupants.

(b) A specialty code inspector to be eligible for appointment shall, to the extent the director considers necessary to the enforcement of the particular specialty code, be experienced in design, construction and supervision and shall be informed on the quality and strength of building materials, accepted building construction requirements and the nature of equipment and needs conducive to the safety, comfort and convenience of building occupants.

(2) Building officials and specialty code inspectors shall be certified as provided by this section, except that the qualifications outlined in subsection (1) of this section are not mandatory until July 1, 1977, regarding any building

official or inspector engaged in the administration of a building code for a municipality on the effective date of this Act and continuing such function through July 1, 1974.

(3) The director shall either:

(a) Prepare and conduct oral, written and practical examinations to determine if a person is qualified pursuant to subsection (1) of this section to be a building official or inspector; or

(b) Accept documentation of successful completion of programs of training developed by public agencies, as proof of qualification required by subsection (1) of this section.

(4) Upon a determination of qualification under either paragraph (a) or (b) of subsection (3) of this section, the director shall issue or cause to be issued a certificate to the building official or inspector stating that he is so certified. Each person applying for examination and certification pursuant to this section shall pay a fee of \$20. The director or his designee may establish classes of certification that will recognize the varying complexities of code enforcement in the municipalities within the state. Except as provided by subsection (2) of this section, no person shall act as a building official or inspector for any municipality unless the director determines that he is so qualified. The director may prepare and conduct educational programs designed to train and assist building officials and inspectors in carrying out their responsibilities and may institute any such program after July 1, 1974.

Section 12. (1) The director may, upon notice and hearing, revoke the certification of any building official or inspector when it appears to him by competent evidence that the building official or inspector has consistently failed to act in the public interest in the performance of his duties.

(2) Nothing in this section shall be construed to limit or otherwise affect the authority of a municipality to dismiss or suspend a building official or inspector at its discretion.

Section 13. The state building code administrator may, upon an application setting forth a set of plans and specifications that will be utilized in more than one municipality to acquire building permits, review and approve the application for the construction or erection of any building or structure if such set of plans meet the requirements of the state building code. All costs incurred by the administrator by virtue of the examination of such a set of plans and specifications shall be paid by the applicant. The plans and specifications or any plans and specifications required to be submitted to a state agency shall be submitted to the administrator who shall examine the instruments and if necessary distribute them to the appropriate state agencies for scrutiny regarding adequacy as to fire safety and all other appropriate features. The state agencies shall examine and promptly return the plans and specifications together with their certified statement as to the adequacy of the instruments regarding that agency's

area of concern. Any building official shall issue a building permit upon application and presentation to him of such a set of plans and specifications bearing the approval of the administrator if the requirements of all other local ordinances are satisfied.

Section 14. Any person aggrieved by the final decision of any municipality as to the application of the structural and other specialty codes authorized by sections 1 to 22 of this Act may, within 30 days after the date of the decision, appeal to the director. Appellant shall submit a fee of \$20, payable to the director, with his request for appeal. The final decision of the involved municipality shall be subject to review de novo by the director, or his designated representative, assisted by the recommendations of the advisory board as to technical and scientific facts.

Section 15. Building permits or certificates of occupancy validly issued before July 1, 1974, regarding buildings or structures being constructed or altered pursuant thereto, shall be valid thereafter and the construction may be completed pursuant to the building permit, unless the building official determines that life or property is in jeopardy.

Section 16. The director shall prescribe a uniform form for building permit applications, building permits and certificates of occupancy to be used by all building officials in the administration and the enforcement of the state building code. One copy of each application filed, and of each permit and

certificate issued, shall be forwarded at regular intervals to the department, to be used by the director and others in planning the activities of the department and in the preparation of reports required of the department, its divisions or officers.

Section 17. Except as otherwise provided, a violation of any regulation adopted pursuant to sections 1 to 22 of this Act is a Class A misdemeanor.

Section 18. (1) For the purpose of defraying the costs of training and other educational programs administered by the department under sections 1 to 22 of this Act there is hereby imposed a surcharge in the amount of \$1.00 on each building permit issued by a building official in connection with the construction of, or addition or alteration to, buildings and equipment or appurtenances on and after July 1, 1973.

(2) Permit surcharges shall be collected by each municipality and remitted to the state. Each municipality having a population greater than 40,000 people shall, on a monthly basis, prepare and submit to the director a report of fees and surcharges thereon collected during the previous month. All other municipalities shall submit a report of fees and surcharges thereon on a quarterly basis. The report, which shall be in a form prescribed by the director, shall be submitted, together with a remittance covering the surcharges collected, by no later than the 15th day following the month or quarter in which the surcharges are collected. All

surcharges and other fees prescribed by sections 1 to 22 of this Act, which are payable to the state, except receipts referred to by subsection (2) of section 10 of this Act, shall be paid to the director who shall deposit such funds in the State Treasury for credit to the Commerce Administration Account created by ORS 184.570.

Section 19. On the effective date on which regulations promulgated by the director regarding prefabricated structures are given the force and effect of law, this section and section 20 of this Act shall expire and have no force and effect. Until such time as the director adopts such regulations, the rules set forth in section 20 shall be a part of the code and govern the regulation of prefabricated structures.

Section 20. (1) Rule 1. General.

(a) Purpose. The purpose of these rules is to regulate materials and establish methods of safe construction where any structure or portion thereof is wholly or partially prefabricated.

(b) Scope. Unless otherwise specifically stated, all prefabricated construction and all materials used therein shall conform to all requirements of this code, except as otherwise noted.

(c) Definitions.

(A) "Prefabricated structure" has the meaning given that term by section 1 of this Act.

(B) "Installation" means the assembly of a prefabricated structure on site, and the process of affixing the structure to land, a foundation, footings or an existing building.

(2) Rule 2. Tests and materials. Every approval of a material not specifically mentioned in this code may incorporate as a proviso the kind and number of tests to be made during prefabrication.

(3) Rule 3. Tests of assemblies. The state building code administrator may require special tests to be made on prefabricated structures to determine their durability and weather resistance.

(4) Rule 4. Connections. Every device designed to connect prefabricated assemblies shall be capable of developing the strength of the members connected, except in the case of members forming part of structural frame designed as specified in other parts of the code. The connection device shall be designed as required by the other parts of the code. Connections between roofs and the supporting walls shall be capable of withstanding an uplifting equal to five pounds per square foot unless otherwise noted.

(5) Rule 5. Pipes and conduits. In structural design, due allowances shall be made for any material to be removed for the installation of pipes, conduits or other equipment or for on-site inspection.

(6) Rule 6. Certificate and inspection of materials and manufacture.

(a) Before any material is delivered to the site, the manufacturer shall submit complete details, drawings and specifications of the assembly for the approval of the state building code administrator. No prefabricated structure shall be sold, offered for sale or installed in the state and no permit shall be issued with respect to a building consisting in whole or part of a prefabricated structure unless the materials therein and manufacture thereof have been certified by the administrator to be in compliance with the code. The administrator shall make such inspections as necessary to insure compliance and may send inspectors into other states to inspect the manufacture of prefabricated structures to be sold, offered for sale or installed in the state of Oregon. All costs incurred by the administrator by virtue of the inspection of materials and manufacture shall be paid by the involved manufacturer. Following inspection and payment by the manufacturer of the costs arising therefrom the administrator shall issue a certification with respect to each prefabricated structure considered to be in compliance with the code and a copy of the certificate shall be affixed to the structure or part thereof. The certification by the administrator that a prefabricated structure complies with the code shall be conclusive on all agencies and instrumentalities of the state, its political subdivisions and municipalities. The administrator shall require a certificate from the manufacturer which shall:

(A) Identify the manufacturer of the prefabricated structure or component of the prefabricated structure.

(B) Identify, by serial number or otherwise, the particular prefabricated structure or component of the prefabricated structure being certified as in compliance with the code.

(C) Certify that the materials used in the manufacture of prefabricated structures or component of the prefabricated structures are in compliance with the code.

(b) After certification no changes in or modifications to the prefabricated structure or part thereof may be made by the manufacturer without the approval of the administrator.

(7) Rule 7. On-site assembly and installation. The installation of prefabricated structures shall comply with the provisions of the code and shall be subject to the inspection of the building official of the jurisdiction in which the site is situated.

(8) Rule 8. Continuous inspection. If continuous inspection is required for certain materials where construction takes place on site, it shall be required where the same materials are used in prefabricated construction.

Section 21. For the purposes of the codes of regulations adopted under sections 1 to 22 of this Act, unless the context clearly indicates otherwise, the following substitutions shall be made in any code adopted by reference as part of the state building code:

- (1) "Building official" for "administrative authority."
- (2) "Governing body" for "mayor" and "city council."
- (3) "Municipality" for "city."

4 Section 22. If the director determines that the standards for prefabricated structures prescribed by statute, rule or regulation of another state are at least equal to the regulations prescribed under sections 1 to 22 of this Act, and that such standards are actually enforced by such other state, he may provide by regulation that prefabricated structures approved by such other state shall be deemed to have been approved by the director.

Bx Section 23. There is appropriated to the Department of Commerce, for the biennium beginning July 1, 1973, out of the General Fund, the sum of \$100,000, for the purpose of carrying out the provisions of sections 1 to 22 of this Act.

Section 24. ORS 447.020 is amended to read:

447.020. (1) All installations of plumbing and drainage in buildings and structures in this state and all potable water supply, drainage, and waste installations, within or serving buildings or structures, except in temporary construction camps, and except as otherwise provided in ORS 447.010 to 447.140, shall be made in accordance with the requirements of ORS 447.010 to 447.140.

(2) The board is required to see that ORS 447.010 to 447.140 and ORS 447.990 are enforced and may in accordance with ORS 183.330 adopt, amend or repeal regulations setting minimum standards for sewage cesspool work including septic

tanks, disposal fields and dry wells, sewage pumping equipment, tank trucks, identification of tank trucks and workmen, and disposal of septic tank and cesspool sludge.

(3) The Director of Commerce shall make regulations for the purpose of setting standards for plumbing and defining compliance with the provisions of ORS 447.010 to 447.140 particularly pertaining to installation of piping, protection and adequacy of the water supply, workmanship and materials, traps and cleanouts, domestic hot water storage tanks and devices, drinking fountains, approval of devices, equipment and fixtures, hangers and supports, drainage and venting, house drains and house sewers, stormwater drains, special wastes, light and ventilation of water closets and bathrooms, and excavation and grading. Subsection (3) of section 3 and subsection (4) of section 7 of this 1973 Act apply to the amendment of regulations adopted under this subsection.

Section 25. ORS 447.080 is amended to read:

447.080. Nothing in ORS 447.010 to 447.140 prevents any city or county from enacting and enforcing ordinances or building codes for the regulation of the business of master plumbing, or sewage cesspool work, or which prescribe the manner in which [plumbing and] drainage work shall be installed in such city or county, except that such ordinances or codes shall not prescribe a lower standard of installation of [plumbing and] drainage work or sewage cesspool work than that prescribed in ORS 447.010 to 447.140. Regulations

adopted pursuant to subsection (3) of ORS 447.020 shall supersede and take the place of any city or county ordinance regulating plumbing.

Section 26. ORS 476.030 is amended to read:

476.030. (1) The State Fire Marshal shall enforce all statutes, and make rules and regulations relating to:

(a) The prevention of fires.

(b) The storage and use of combustibles and explosives.

(c) The construction, maintenance and regulation of fire escapes.

(d) Overseeing the safety of and directing the means and adequacy of exit in case of fire from factories, asylums, hospitals, churches, schools, halls, theaters, amphitheaters, all buildings [, except private residences,] which are occupied for sleeping purposes, and all other places where large numbers of persons work, live or congregate from time to time for any purpose.

(e) Standards for equipment used for fire protection purposes within this state including standard thread for fire hose couplings and hydrant fittings.

(2) The State Fire Marshal may establish and maintain training programs for personnel of municipal fire departments and rural fire districts.

(3) The State Fire Marshal and his deputies shall have such powers and perform such other duties as are prescribed by law.

(4) If, in the opinion of the State Fire Marshal, a governmental subdivision of the state has enacted adequate regulations generally conforming to national standards concerning fire prevention, fire safety measures and building construction requirements for safety, and if the governmental subdivision provides reasonable enforcement of its regulations, he may exempt the area subject to such regulation from the statutes administered by him and from his rules and regulations. The exemption may extend for a two-year period, and may be renewed from time to time, but may be canceled by the State Fire Marshal following 30 days' written notice if he finds that the governmental subdivision's regulations or enforcement thereof are not reasonably sufficient. The governmental subdivision shall furnish a copy of such regulations to the State Fire Marshal and shall file with him any amendment thereto within 30 days before the effective date of such amendment. The State Fire Marshal shall designate a person or division within such governmental subdivision as an approved authority for exercising functions relating to fire prevention, fire safety measures and building construction. Upon request of a local official having enforcement responsibility and a showing of unusual fire hazard or other special circumstances, the State Fire Marshal shall make investigation and appropriate recommendations.

(5) The State Fire Marshal may investigate or cause an investigation to be made to determine the probable cause, origin and circumstances of any fire and shall classify such findings as he may find appropriate to promote fire protection and prevention.

Section 27. ORS 476.080 is amended to read:

476.080. (1) The State Fire Marshal and his deputies, at all reasonable hours, may enter into all buildings and upon all premises [, except private residences,] for the purpose of inspection to ascertain if fire hazards exist therein or thereon.

(2) No person shall interfere with or prevent any such inspection by such officers.

(3) When any person interferes with or prevents the State Fire Marshal or his deputies from making the inspection mentioned herein, the officer shall apply to the district attorney of the county wherein the inspection was made or attempted to be made, for a warrant for the arrest of the offending person, and it shall be the duty of such district attorney forthwith to prosecute such offending person.

Section 28. ORS 479.530 is amended to read:

479.530. As used in ORS 479.510 to 479.850, unless the context requires otherwise:

(1) "Approved testing laboratory" means a testing laboratory making scientific safety tests of electrical products in its plant by testing individual samples, specimens and prototypes thereof, and maintaining an adequate system of follow-up inspections in this state of the class of electrical products tested in the laboratory and offered for sale or distributed in this state.

(2) "Board" means the Electrical Advisory Board appointed under ORS 479.800.

(3) "Certificate of registration" means a certificate issued by the Department of Commerce to a dealer in electrical products showing that the dealer has registered.

(4) "Certified electrical product" means:

(a) An electrical product listed in the published list of Underwriters Laboratories dated May 19, 1958, and the supplements thereto through December 1958 as an approved electrical product, and which has not been decertified.

(b) An electrical product certified by the Department of Commerce under subsection (2) of ORS 479.760 which has not been decertified.

(c) A gas using device, with electrical components, listed in the published list of American Gas Association Laboratories, dated January 1, 1959, as complying with American Standard Requirements and which has not been decertified.

(5) "Competent inspection service" means the electrical inspection service of an incorporated city [with safety standards not lower than those required by ORS 479.510 to 479.850 as they apply to the type of electrical installation covered by the city ordinance].

(6) "Electrical installations" include construction, installation, maintenance and repair of electrical wiring and electrical equipment to be operated thereby, except communication and signal systems of railroad companies.

(7) "Electrical product" includes any electrical equipment, appliance, material, device or apparatus to convey or be operated by electrical current.

(8) "Household appliance label" includes labels for installation of farming irrigation pumps, household appliances and additions to electric wiring in residences.

(9) "Label" means a card signed by the Director of Commerce or a competent inspection service of an incorporated city and issued to an electrical contractor or property owner indicating that the electrical installation proposed has been tentatively approved by the [Director of Commerce] signer as meeting the minimum safety standards.

(10) "License" means an annual permit issued by the Department of Commerce under ORS 479.630 authorizing the person whose name appears as licensee thereon to act as an electrical contractor, supervising electrician, journeyman or apprentice electrician as indicated thereon.

(11) "Minimum safety standards" means safety standards prescribed by the Department of Commerce under ORS 479.730, except as provided in ORS 479.720.

(12) "Persons" includes individuals, corporations, associations, firms, partnerships and joint stock companies.

(13) "Serving agency" means a person principally engaged in the business of generating or selling electricity in connection with the construction or maintenance of electrical lines, wires or equipment.

(14) "Uncertified product" includes all electrical products which are not certified.

Section 29. ORS 479.540 is amended to read:

479.540. (1) No person is required to obtain a license to make an electrical installation on property which is owned by himself or a member of his immediate family, and not presently intended for sale.

(2) No electrical contractor license is required in connection with an electrical installation:

(a) Of meters and similar devices by a serving agency for measuring electricity.

(b) Of ignition or lighting systems for motor vehicles.

(c) To be made by a person on his property in connection with his business.

(d) To be made by a public utility or municipality for generation, transmission or distribution of electricity on property which it owns or manages.

(3) No person whose sole business is generating or selling electricity in connection with the construction or maintenance of electrical lines, wires or equipment, is required to obtain a certificate ^{of} or registration ^{of} license to transform, transmit or distribute electricity from its source to the service head of the premises to be supplied thereby.

[(4) No label is required for electrical installation made within the limits of an incorporated city maintaining

a competent inspection service providing the electrical installation is of a type covered by the city ordinance.]

[(5)] (4) No certificate of registration is required to sell, dispose of by gift or otherwise any electrical product within the limits of incorporated cities maintaining a competent inspection service and making periodical inspections of electrical stock of dealers in electrical products.

[(6)] (5) No certificate of registration or license is required for temporary demonstrations.

[(7)] (6) The provisions of ORS 479.510 to 479.850 shall not apply to electrical products owned by, supplied to, or to be supplied to public utilities as defined in ORS 757.005, nor to electrical installations made by or for such a public utility where the electrical installations are an integral part of the equipment of such utility.

[(8)] (7) No label is required for the repair, alteration or replacement of existing electrical equipment of an industrial plant.

[(9)] (8) In cases of emergency in industrial plants no label is required in advance for electrical installation made by a person licensed under subsections (2), (4) and (6) of ORS 479.630 if an application accompanied by appropriate fee for a label is submitted to the Department of Commerce within five days after the commencement of such electrical work.

[(10)] (9) No person is required to obtain a license or label to set in place a certified electrical product or make a connection therefrom to services and facilities other than electrical.

Section 30. ORS 479.820 is amended to read:

479.820. (1) The Department of Commerce shall:

(a) Check the authenticity, appropriateness and expiration dates of licenses and certificates of registration issued under ORS 479.510 to 479.850.

(b) Inspect electrical installations and products for which a label, license or certificate of registration is required by ORS 479.510 to 479.850.

(c) Inspect labels attached to electrical installations or products for which a label is required by ORS 479.510 to 479.850.

(2) If the Department of Commerce finds that the electrical installation or product fails to comply with minimum safety standards, it may disconnect or order the disconnection of service thereto.

(3) If the Department of Commerce finds that the condition of an electrical installation or product constitutes an immediate hazard to life or property, it may cut or disconnect any wire necessary to remove such hazard.

(4) Upon written request of appropriate municipal personnel, the Department of Commerce may make inspections of electrical installations and products within incorporated cities

[having by ordinance adopted minimum safety standards for such installations or products which meet the requirements of ORS 479.510 to 479.850]. Such inspections shall be made at cost, in accordance with local municipal ordinances [and building codes], payable on a monthly basis.

(5) For the purpose of discharging any duty imposed by ORS 479.510 to 479.850 or exercising authority conferred hereby the Department of Commerce may, during reasonable hours, enter any building, enclosure, or upon any premises where electrical work is in progress, where an electrical installation has been made or where electrical equipment or products may be located. No person shall obstruct or interfere with the Department of Commerce in performance of any of its duties or the exercise of any authority conferred under this section.

Section 31. Section 32 of this Act is added and made a part of ORS 479.510 to 479.850.

Section 32. Rules adopted under ORS 479.510 to 479.850 may be amended in accordance with ORS 479.730, 479.740 and subsection (3) of section 7 of this 1973 Act.

Section 33. This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act takes effect on its passage.

SENATE BILL BACK

▼ CROSS OUT INAPPLICABLE WORDS ▼

~~RESOLUTION~~ } NUMBER 73
~~MEMORIAL~~ }

①

Title: **Relating to property, including but not limited to the regulation of building construction and the installation of devices and equipment; creating new provisions; amending ORS 447.020, 447.080 and 479.820; appropriating money; providing penalties; and declaring an emergency.**

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