



Certification Changes

Opportunity for public input:

Those who would like to provide testimony should attend a public hearing on June 21, 2016, at 9:30 a.m. The hearing will be located at the Building Codes Division, Conference Room A. Written comments may also be submitted to Holly Tucker, Rules Coordinator, at holly.a.tucker@oregon.gov, or to the address below. The last day to submit written comments is 5:00 p.m. June 24, 2016.

Live broadcast via the internet:

To view the public hearing live, click on "[View live meeting](#)"

Purpose of the rule:

These proposed rules make changes to the certification process that support the division's focus on providing Oregon focused training by making changes to the certification requirements and obligations for building officials, inspectors, and plans examiners. Specifically these rules relate to changes to the Oregon Inspector Certification (OIC) and creating a transition path from International Code Council certifications to equivalent Oregon certifications, as well as clarifying the conflict of interest requirements for certification holders.

Citation:

Adopt, Amend, Repeal, and Renumber: OAR 918-098.
These rules become effective July 1, 2016.

History:

The division held a public hearing for previous rules related to the division's ongoing certification rule changes on December 16, 2015, and February 23, 2016. The division adopted temporary rules on January 26, 2016, and permanent rules which repealed the temporary rules and became effective on April 1, 2016. Those permanent rules required training for building officials, updated the duties and responsibilities of building officials, plans examiners, and inspectors, and clarified the cite-it write-it rule. The updates to the certification requirements covered by this notice were not part of the previous permanent rules. The proposed rules for the [December hearing](#), the [February hearing](#), the [January temporary rules](#), the [April permanent rules](#), and this proposed set of rules are available on the division's website at <http://www.bcd.oregon.gov/rules.html>. These proposed rules make changes including, but not limited to, the following:

- Changes to the requirements for Oregon Inspector Certification applicants.
- Creates a transition from International Code Council or other nationally recognized certifications to equivalent Oregon certifications.
- Expands the scope of work for residential structural inspectors to include mechanical inspections.
- Clarifies the renewal process and removes the 5-year reinstatement window for OIC holders.
- Clarifies the continuing education requirements for certification holders.
- Clarifies the conflict of interest requirements for certification holders.

Contact:

If you have questions or need further information, contact Tom Phillips, Regional Program Services Manager, at 503.378.2827, or thomas.j.phillips@oregon.gov.



Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING
A Statement of Need and Fiscal Impact accompanies this form.

Department of Consumer and Business Services, Building Codes Division	918
Agency and Division	Administrative Rules Chapter Number
Holly A. Tucker	PO Box 14470, Salem, OR 97309
Rules Coordinator	(503) 378-5331
	Address Telephone

RULE CAPTION

Amending certification requirements for building officials, inspectors and plans examiners.
Not more than 15 words that reasonably identify the subject matter of the agency's intended action.

June 21, 2016	9:30 a.m.	1535 Edgewater Street NW, Salem, OR 97304	Staff
Hearing Date	Time	Location	Hearings Officer

Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT: 918-098

AMEND: 918-098

REPEAL: 918-098

RENUMBER: 918-098

AMEND & RENUMBER: 918-098

Stat. Auth.: ORS 455.030, 455.055, 455.110, 455.622, 455.720, 455.730, 455.735, 455.740

Other Auth.:

Stats. Implemented: ORS 455.030, 455.055, 455.110, 455.622, 455.720, 455.730, 455.735, 455.740

RULE SUMMARY

The proposed rules amend the division's certification requirements and obligations for building officials, inspectors and plans examiners. The proposed rules contain a variety of changes, including, but not limited to: clarifying experience requirements for Oregon Inspector Certification (OIC) applicants, creating a transition from International Code Council or other nationally recognized certifications to equivalent Oregon certifications, expanding the scope of work for residential structural inspectors to include mechanical work, clarifying the renewal process for OIC holders, removing the 5-year OIC reinstatement window for OIC holders, clarifying continuing education requirements for certification holders, and clarifying conflict of interest requirements for certification holders.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

Friday, June 24, 2016, 5:00 p.m.

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)

Signature

Mark Long
Printed name

Date

5/12/2016

Note: Hearing Notices must be submitted by the 15th day of the month to be published in the next month's *Oregon Bulletin*.

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Consumer and Business Services, Building Codes Division
Agency and Division

918

Administrative Rules Chapter Number

Amending certification requirements for building officials, inspectors and plans examiners.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of Adopting, Amending, Repealing, Renumbering: OAR 918-098**Statutory Authority:** ORS 455.030, 455.055, 455.110, 455.622, 455.720, 455.730, 455.735, 455.740**Other Authority:****Stats. Implemented:** ORS 455.030, 455.055, 455.110, 455.622, 455.720, 455.730, 455.735, 455.740**Need for the Rule(s):**

The proposed rules are needed to clarify the potential conflict of interests, scope of work, and duties and responsibilities of building officials, inspectors, and plans examiners, as well as the process for applying for and renewing certifications.

In 2005 the division adopted substantive changes to certification requirements to align with certifications offered by nationally recognized organizations for persons performing work in Oregon as a building official, inspector, or plans examiner. The division also established the Oregon Inspector Certification, which required applicants to demonstrate knowledge of the division's statutes and administrative rules.

The proposed rules create a transition from certifications offered by nationally recognized organizations to Oregon Code Certifications. The proposed rules provide choices for applicants to qualify for an Oregon certification. Applicants may continue to qualify for certain Oregon certifications using a nationally recognized certification with the appropriate experience, but they will no longer be required to maintain their national certification.

The proposed rules continue the expiration and renewal requirement for the Oregon Inspector Certification and clarify continuing education requirements. These rules remove the grace period to renew the Oregon Inspector Certification. Persons that fail to renew an Oregon Inspector Certification by the end of the renewal period must reapply for an Oregon Inspector Certification. Individuals who fail to take continuing education for a given Oregon Code Certification by the deadline for renewal of their Oregon Inspector Certification must pass an examination to receive the certification.

Documents Relied Upon, and where they are available: Draft rules are available from the division's rules coordinator located at 1535 Edgewater Street NW, Salem, OR 97304 and are posted on the division's Web site at: <http://www.bcd.oregon.gov/rules.html>.

Fiscal and Economic Impact:

These rules have no fiscal impact on persons that hold valid Oregon Code Certifications and Oregon Inspector Certifications. The proposed rules may have a minimal fiscal impact on persons seeking certification in Oregon because there are existing fees associated with applying for and maintaining Oregon certifications. These fees, when compared with the fees associated with obtaining and maintaining a nationally recognized certification, may result in a positive impact on applicants for certification in Oregon. However, no financial gain will be realized if a person decides to maintain their national certification. There is no fiscal impact for the renewal or reapplication of an Oregon Inspector Certification because the fee requirements already exist in rule.

Statement of Cost of Compliance:**1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):**

The division is unable to determine if there will be a positive or negative impact on state agencies, units of local government, or the public because the applicant has the option to maintain certain certifications but they are no longer required to do so. The proposal could benefit the state by increasing accountability of persons performing work for which a certification is required.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:

Building officials, inspectors, and plans examiners are primarily employed by the division, a municipality, or are employed by a third party inspection business. There are approximately 11 third party providers administering various levels of building inspection programs that are small businesses and may be minimally impacted by the proposed rules.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

The proposed rules do not create any new reporting or recordkeeping requirements. In addition to existing recordkeeping performed by municipalities administering building inspection programs, the division will be tracking all Oregon certifications.

c. Equipment, supplies, labor and increased administration required for compliance:

Regardless of the path a person chooses under current requirements or under the proposed rules, there are existing costs associated with obtaining appropriate materials for training and education related to obtaining and maintaining a certification to perform certain work in Oregon.

How were small businesses involved in the development of this rule?

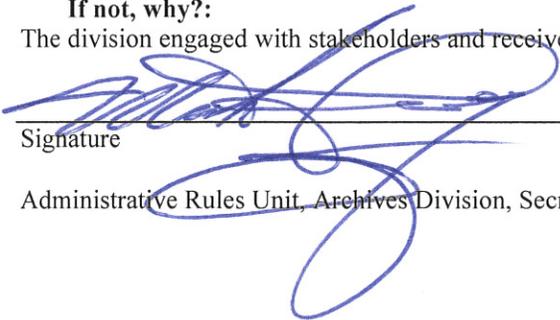
The division has been offering training and education related to existing certifications. Persons and representatives of businesses, including small businesses, attending these trainings have provided positive input regarding division training courses, which are typically less expensive than other options.

Administrative Rule Advisory Committee consulted?:

No.

If not, why?:

The division engaged with stakeholders and received input from individuals and businesses.



Mark Long

Printed name

5/16/2016

Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310.

Certification Changes
DRAFT
6/21/16

918-098-1010

Certification Requirements Exemptions

~~(1) Unless otherwise stated in this rule, every person who performs building official duties, building code inspections, or plan reviews must possess a valid Oregon Inspector Certification and either:~~

~~(a) A valid appropriate Oregon Code Certification for the work being performed, or~~

~~(b) A valid appropriate International Code Council certification for the work being performed and the minimum level of experience as follows:~~

~~(A) Completion of a certification training course administered by the division; or~~

~~(B) Two years experience working for or on behalf of a jurisdiction performing building permit inspections on buildings or structures regulated by the state building code or its equivalent; or~~

~~(C) Be a registered architect, a certified professional engineer, or have a Bachelor's or Master's degree in architecture or civil or structural engineering.~~

~~(2) Notwithstanding section (1)(b) of this rule, a person may perform the duties of a building official provided the person has a valid Oregon Inspector Certification and meets one of the following:~~

~~(a) Passed the International Code Council Certified Building Official Legal Management examination prior to January 1, 2016 and completes a training course for building officials administered by the division within six months of hire; or~~

~~(b) Possesses a valid Oregon Building Official Certification and completes a training course for building officials administered by the division within six months of hire; or~~

~~(c) Has applied for an Oregon Building Official Certification under OAR 918-098-1025(3).~~

~~(3) If a certified building official is appointed by the municipality to perform duties as a building official on or after April 1, 2014, the person must be enrolled in or complete a training course for building officials administered by the division within six months of appointment unless the person has previously completed a training course for building officials administered by the division under section 2 of this rule.~~

~~(4)~~**(1)** Plan review certification is not required for individuals reviewing one- and two-family dwelling permit applications for the following:

(a) First floor decks attached to a dwelling that:

(A) Extend not more than 12 feet from the dwelling but not closer than three feet to a property line;

(B) Are not more than 8 feet above grade;

(C) Will not exceed a 70 PSF live load and not a combined live and dead load of 80 PSF; and

(D) Are not in excess of a 2 horizontal 1 vertical ground slope.

(b) Car ports with a single slope that:

(A) Have a rafter span extending not more than 12 feet from a dwelling;

(B) Are attached to the dwelling for the full length not to exceed 30 feet;

(C) Have a maximum overhang of two feet that is not closer than three feet to a property line;
and

(D) Will not exceed a combined 80 PSF live and dead load.

(c) Patio covers that:

(A) Have a single slope roof;

(B) Have a rafter span extending not more than 12 feet from the dwelling;

(C) Are attached to the dwelling the full length not to exceed 30 feet;

(D) Have a maximum overhang of two feet that is not closer than three feet to a property line;

and

(E) Will not exceed a combined 80 PSF live and dead load.

(d) Fences not greater than 8 feet in height.

(e) Garage conversions as an accessory to a one- or two-family dwelling with no new cut openings in the existing wall.

(f) Window, door, or bathroom remodels where there are no load-bearing or lateral-bracing wall penetrations.

(g) Pole or manufactured steel structures with a maximum of 3,000 square feet that:

(A) Have a maximum 14-foot eave height;

(B) Are not closer than three feet to the property line and at least 6 feet from all other buildings on the same lot; and

(C) Fully engineered, including foundation where applicable.

(h) Mechanical equipment for the purposes of determining setback requirements have been met.

~~(5)~~**(2)** Plan review certification is not required for individuals reviewing permit applications for buildings or structures that have plans and specifications provided by the department or a municipality under ORS 455.062.

~~(6)~~**(3)** The building official is responsible for ensuring that persons performing permit reviews under this section utilize a division-approved checklist to perform reviews.

~~(7)~~**(4)** The building official may determine based on unusual features, characteristics or other complicating circumstances that a certified individual must review a permit application.

~~(8)~~**(5)** Where a jurisdiction routinely performs permit reviews for a type of project determined by the building official to be similar in complexity to the types of projects listed in sections ~~(4)~~**(1)** and ~~(5)~~**(2)** of this rule, the building official may submit a checklist to the division for approval. If approved, the jurisdiction may utilize the checklist in the same manner as section ~~(6)~~**(3)**.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 455.030, 455.055, 455.062, 455.110, 455.720, & 455.730

Stat. Implemented: ORS 455.030, 455.055, 455.062, 455.110, 455.720, & 455.730

Hist.: BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05; BCD 4-2006, f. 3-31-06, cert. ef. 4-1-06; BCD 18-2006, f. 12-29-06, cert. ef. 1-1-07; BCD 6-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 7-2011, f. & cert. ef. 3-11-11; BCD 24-2011, f. 7-26-11, cert. ef. 10-1-11; BCD 7-2013(Temp), f. 7-26-13, cert. ef. 8-1-13 thru 12-31-13; BCD 9-2013, f. 12-16-13, cert. ef. 1-1-14; BCD 5-2014, f. & cert. ef. 4-1-14; BCD 1-2016(Temp), f. & cert. ef. 1-26-16 thru 7-23-16

918-098-1012

Scope of Work Allowed for Persons with an Oregon Inspector Certification and an ~~International Code Council~~ Nationally Recognized Certification

This rule expires November 1, 2016. After November 1, 2016, this rule will no longer be necessary because individuals may not perform inspections or plan reviews without an Oregon Code Certification. The scopes of work in this rule will be covered by OAR 918-098-1015. See also OAR 918-098-1100 for information about transitioning nationally recognized certifications to Oregon Code Certifications.

(1) Individuals meeting the experience requirement in OAR 918-098-104025 who possess a valid Oregon Inspector Certification and a current International Code Council certification may perform work based on the type of International Code Council Certification they possess.

(2) A Certified Building Official Legal/ Management may oversee a jurisdiction's administration and enforcement of the state building code for those specialty codes assumed by the jurisdictions pursuant to ORS 455.148 or 455.150. Building officials may not perform plan reviews or inspections unless they possess the appropriate certification for the type of plan review or inspection being performed.

(a) Commercial Building Inspector certificate holders may conduct construction inspections for:

(A) All work regulated by the **Oregon Structural Specialty Code**; and

(B) Structural work on townhouse structures, ~~rowhouse structures~~, and apartment buildings regulated by the **Oregon Residential Specialty Code**.

(b) Commercial Building Plans Examiner certificate holders may review construction plans for:

(A) Compliance with the provisions of the **Oregon Structural Specialty Code** and **Oregon Fire Code**, except the fire and life safety plan review provisions for structures required to receive a state fire and life safety plan review; and

(B) Fire and life safety construction on townhouse structures, ~~rowhouse structures~~, and apartment buildings regulated by the **Oregon Residential Specialty Code**.

(c) Commercial Fire Plans Examiner certificate holders who also have the Commercial Building Plans Examiner Certificate may review construction plans for compliance with the fire and life safety plan review provisions of the **Oregon Structural Specialty Code** and the **Oregon Fire Code**.

(d) A Commercial Mechanical Inspector certificate holder may conduct construction inspections and may review construction plans for:

(A) All work regulated by the **Oregon Mechanical Specialty Code**; and

(B) Mechanical work on townhouse structures, ~~rowhouse structures~~ and apartment buildings regulated by the **Oregon Residential Specialty Code**.

(e) A Residential Building Inspector certificate holder may conduct construction inspections and plan reviews for structural work regulated by the **Oregon Residential Specialty Code**; and

(A) Construction work on **any aspect of** manufactured structures and accessory buildings and structures regulated under the **Oregon Manufactured Dwelling Installation Specialty Code**;

(B) The provisions of OAR chapter 918, division 500;

(C) The **Manufactured Home Construction and Safety Standards in 24 CFR 3280 and 24 CFR 3282**; and

(D) Plan review and inspection of manufactured dwelling parks, recreational parks, organizational camps, and picnic parks.

(f) A Residential Mechanical Inspector certificate holder may conduct inspections and plan reviews for mechanical work regulated by the **Oregon Residential Specialty Code**; and

(A) Mechanical work on manufactured dwelling alterations under the **Oregon Manufactured Dwelling Installation Specialty Code**;

(B) The provisions of OAR chapter 918, division 500;

(C) The Manufactured Home Construction and Safety Standards located in 24 CFR 3280 and 3282; and

(D) Plan review and inspection of manufactured dwelling parks, recreational parks, organizational camps, and picnic parks.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 455.720 & 455.730

Stat. Implemented: ORS 455.720 & 455.730

Hist.: BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05; BCD 4-2006, f. 3-31-06, cert. ef. 4-1-06; BCD 13-2007, f. 12-28-07 cert. ef. 1-1-08; BCD 1-2010, f. 3-1-10, cert. ef. 4-1-10

918-098-1015

Scope of Work Allowed for Persons with an Oregon Inspector Certification and Oregon Code Certifications

Persons who possess a valid Oregon Inspector Certification and a valid Oregon Code Certification may perform inspections and plan reviews based on the class designated on their certificate. The classes, other than electrical and plumbing inspector classifications found in OAR 918-281-0020 and 918-695-0400, are:

(1) Building Official. Persons certified as an Oregon Building Official may oversee jurisdictions' administration and enforcement of the state building code for those specialty codes assumed by the jurisdiction pursuant to ORS 455.148 or 455.150. Building officials may not perform plan reviews or inspections unless they possess the appropriate certification for the plan review or inspection being performed.

(2) Fire and Life Safety. Persons certified as fire and life safety plans examiners may review construction plans for compliance with the fire and life safety plan review provisions of the **Oregon Structural Specialty Code** and the **Oregon Fire Code** for any structure regulated by the **Oregon Structural Specialty Code**.

(3) A-Level.

(a) Persons certified as A-level structural plans examiners may:

(A) Review construction plans for compliance with the provisions of the **Oregon Structural Specialty Code** and **Oregon Fire Code** for all work regulated by the **Oregon Structural Specialty Code**, except the fire and life safety plan review provisions for structures required to receive a state fire and life safety plan review; and

(B) Review construction plans for work that falls within the B-level structural plans examiner classification.

(b) Persons certified as A-level structural inspectors:

(A) Conduct construction inspections of all work regulated by the **Oregon Structural Specialty Code**; and

(B) Conduct inspections of work that falls within the B-level structural inspector classification.

- (c) Persons certified as A-level mechanical inspectors may:
 - (A) Conduct construction inspections and may review construction plans for all work regulated by the **Oregon Mechanical Specialty Code**; and
 - (B) Conduct inspections and review construction plans for work that falls within the B-level mechanical inspector classification.
- (4) B-Level.
 - (a) Persons certified as B-level structural plans examiners may review construction plans for compliance with the provisions of the **Oregon Structural Specialty Code** and **Oregon Fire Code** for work regulated by the **Oregon Structural Specialty Code**, except:
 - (A) Work in structures required to receive a state fire and life safety plan review; and
 - (B) Work in structures required to be designed by an Oregon registered architect or certified professional engineer pursuant to ORS chapter 671.
 - (b) Persons certified as B-level structural inspectors may conduct construction inspections of work regulated by the **Oregon Structural Specialty Code**, except:
 - (A) Work in structures required to receive a state fire and life safety plan review; and
 - (B) Work in structures required to be designed by an Oregon registered architect or certified professional engineer pursuant to ORS chapter 671.
 - (c) Persons certified as B-level mechanical inspectors may conduct construction inspections of work regulated by the **Oregon Mechanical Specialty Code**, except:
 - (A) Work in structures required to receive a state fire and life safety plan review; and
 - (B) Work in structures required to be designed by an Oregon registered architect or certified professional engineer pursuant to ORS chapter 671.
 - (d) Persons certified as B-level structural plans examiners, B-level structural inspectors, or B-level mechanical inspectors:
 - (A) May qualify to be certified to review construction plans or conduct inspections of structures regulated by the **Oregon Residential Specialty Code**; and
 - (B) May not be authorized to review construction plans or conduct inspections of structures that are outside the B-level classification without first obtaining the appropriate certification.
- (5) One and two family dwelling or residential.
 - (a) Persons certified as one and two family dwelling or residential:
 - (A) Structural inspectors may conduct construction inspections of structural **and mechanical** work regulated by the **Oregon Residential Specialty Code**; and
 - (i) Manufactured structures and manufactured structure accessory buildings and structures under the **Oregon Manufactured Dwelling Installation Specialty Code**;
 - (ii) The provisions of OAR chapter 918, division 500;
 - (iii) The **Manufactured Home Construction and Safety Standards located in 24 CFR 3280 and 3282**; and
 - (iv) Plan review and inspection of manufactured dwelling parks, recreational parks, organizational camps, and picnic parks.
 - (B) Mechanical inspectors may conduct inspections for mechanical work regulated by the **Oregon Residential Specialty Code**; and
 - (i) Manufactured dwellings under the **Oregon Manufactured Dwelling Installation Specialty Code**;
 - (ii) The provisions of OAR chapter 918, division 500;
 - (iii) The **Manufactured Home Construction and Safety Standards located in 24 CFR 3280 and 3282**; and

- (iv) Plan review and inspection of manufactured dwelling parks, recreational parks, organizational camps, and picnic parks.
- (C) Plumbing inspectors may conduct inspections for plumbing work regulated by the **Oregon Residential Specialty Code**; and
 - (i) Manufactured dwellings under the **Oregon Manufactured Dwelling Installation Specialty Code**;
 - (ii) The provisions of OAR chapter 918, division 500;
 - (iii) The **Manufactured Home Construction and Safety Standards located in 24 CFR 3280 and 3282**;
 - (iv) Plan review and inspection of manufactured dwelling parks, recreational parks, organizational camps, and picnic parks; and
 - (v) Any portion of a solar water heating system installation up to 180 gallons of storage tank capacity.
- (D) Electrical inspectors may conduct inspections for electrical work regulated by the **Oregon Residential Specialty Code**; and
 - (i) The **Oregon Manufactured Dwelling Installation Specialty Code**;
 - (ii) The provisions of OAR chapter 918, division 500;
 - (iii) The **Manufactured Home Construction and Safety Standards located in 24 CFR 3280 and 3282**;
 - (iv) Plan review and inspection of manufactured dwelling parks, recreational parks, organizational camps, and picnic parks; and
 - (v) Any portion of a solar PV installation up to 25 Kw.
- (b) Persons certified as a one-and-two family dwelling plans examiners may review construction plans for compliance with provisions of the **Oregon Residential Specialty Code**; and
 - (i) Structures under the **Oregon Manufactured Dwelling Installation Specialty Code**;
 - (ii) The provisions of OAR chapter 918, division 500;
 - (iii) The **Manufactured Home Construction and Safety Standards located in 24 CFR 3280 and 3282**; and
 - (iv) Plan review and inspection of manufactured dwelling parks, recreational parks, organizational camps, and picnic parks.
- (c) Persons certified as a one and two family dwelling or residential inspectors and plans examiners may not be authorized to review construction plans or conduct inspections of either A-level or B-level structures without the required commercial A-level or B-level certification.
- (d) See OAR 918-098-1325 for additional requirements of one and two family dwelling residential inspectors and plans examiners performing manufactured dwelling alteration inspections or plan reviews.
- (e) See OAR 918-098-1330 for additional requirements of one and two family dwelling residential inspectors performing manufactured structure accessory structure or accessory building inspections.
- (6) Specialized Solar Photo-Voltaic. Persons certified as a Specialized Solar PV inspector may conduct inspections of the structural and electrical systems for solar PV installations up to 25 Kw that follow the “prescriptive installation” provisions in section 305.4 of the **Oregon Solar Installation Specialty Code**.

(7) Plumbing inspectors certified under OAR 918-695-0400 may, in addition to any other authority, inspect any portion of a solar water heating system installation up to 180 gallons of storage tank capacity. This rule does not apply to limited or special plumbing inspectors.

(8) Electrical inspectors certified under OAR 918-281-0020 may, in addition to any other authority, inspect any portion of a solar PV installation up to 25 Kw.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 455.720

Stat. Implemented: ORS 455.720

Hist.: DC 24-1978, f. & ef. 9-1-78; DC 10-1980, f. & ef. 9-10-80; DC 4-1983, f. & ef. 1-12-83; Renumbered from 814-003-0065; BCA 16-1992, f. & cert. ef. 8-11-92; BCD 8-1997, f. & cert. ef. 4-1-97; Renumbered from 918-099-0065; BCD 15-1997, f. 9-30-97, cert. ef. 10-1-97; BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05, Renumbered from 918-098-0060; BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05, Renumbered from 918-098-0060; BCD 4-2006, f. 3-31-06, cert. ef. 4-1-06; BCD 13-2007, f. 12-28-07 cert. ef. 1-1-08; BCD 1-2010, f. 3-1-10, cert. ef. 4-1-10; BCD 6-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 7-2011, f. & cert. ef. 3-11-11; BCD 24-2011, f. 7-26-11, cert. ef. 10-1-11; BCD 5-2014, f. & cert. ef. 4-1-14

918-098-1025

~~Oregon Inspector Certification and Oregon Code Certification Application Process; Testing Procedures Certification Requirements~~

(1) Unless otherwise stated in this rule, every person who performs building official duties, building code inspections, or plan reviews must possess a valid Oregon Inspector Certification and a valid appropriate Oregon Code Certification or authorization from the division for the work being performed.

~~(1)(2)(a)~~ All persons who seek certification to perform the duties of a building official, inspector, or plans examiner must apply **Persons applying** for the Oregon Inspector Certification as follows **must**:

(A) Submit a division-approved application with the \$125 fee; and

(B) Successfully pass the Oregon Inspector Certification examination.

(b) Applicants for an Oregon Inspector Certification who fail the examination may reapply under this section to retest for a fee of \$80.

(c) Applicants for an Oregon Inspector Certification must have the minimum level of experience as follows:

(A) Completion of a code certification training course administered by the division; or

(B) For an individual hired by a municipality, completion of a code certification training course administered by the division within six months of hire; or

(C) Two years experience working for or on behalf of a jurisdiction performing building permit inspections or plan reviews for buildings or structures regulated by the state building code or its equivalent; or

(D) Be a registered architect, a certified professional engineer, or have a Bachelor's or Master's degree in architecture or engineering.

~~(2)~~**(3)** Persons applying for an Oregon Code Certification under these rules, or under OAR 918-281-0020 and 918-695-0400 must:

(a) Submit a division-approved application demonstrating appropriate experience, ~~as defined in~~ **if required for the certification by** OAR chapter 918, division 281, 695, **or** these rules, or complete a certification training course administered by the division;

(b) Pay the \$80.00 fee; and

(c) Successfully pass the appropriate Oregon Code Certification exam, **or submit proof of a valid International Code Council certification or other nationally recognized certification or license for:**

(A) Commercial Building Inspector.

(B) Commercial Building Plans Examiner.

(C) Commercial Fire Plans Examiner.

(D) Commercial Mechanical Inspector.

(E) Residential Building Inspector.

(F) Residential Plans Examiner.

(G) Any other International Code Council or other nationally recognized certification the division determines sufficiently qualifies the certification holder for an Oregon Code Certification listed in 918-098-1005(14).

(4) Persons applying for a training course administered by the division must:

(a) Submit a division-approved registration form; and

(b) Pay the course registration fee.

(5) A person must successfully complete a division training course in order to obtain division certification through the course.

~~(3)~~**(6)** ~~a~~**A** Applicants for certification as a building official **and certified Oregon building officials** must possess a valid Oregon Inspector Certification and must enroll in or complete a certification training course for building officials administered by the division within six months

of hire **unless the person has previously completed a building official training course administered by the division**. A person enrolled in a certification training course for building officials administered by the division must successfully complete this course to continue performing building official duties.

~~(4)~~**(7)** Applicants for an Oregon Code Certification who fail the examination may reapply under section ~~(2)~~**(3)** of this rule to retake. Applicants may not retake the test for 30 days after each failed attempt.

~~(5)~~**(8)** If an applicant fails to take the Oregon Inspector Certification exam or the Oregon Code Certification exam within 60 days of being approved to do so, **the application is considered withdrawn, and** the applicant must re-apply under section ~~(1)~~**(2)** or ~~(2)~~**(3)** of this rule.

(9) The division may extend the 6 month period to complete a code certification training pursuant to (2)(c)(B) of this rule in the case of hardship or illness. The person must submit a request for extension to the division in writing.

(10) Persons with a valid Oregon Inspector Certification and a valid International Code Council certification or other nationally recognized certification identified in subsection (3)(c) of this rule, an International Code Council Building Official Legal/Management examination, or an International Code Council Certified Building Official certification may continue to perform work for which a certification is required until November 1, 2016. Persons who have not obtained the appropriate Oregon certification by November 1, 2016 may not perform duties as a building official or perform inspections or plan reviews for which an Oregon certification is required.

Stat. Auth.: ORS 455.720, 455.730 & 455.735

Stat. Implemented: ORS 455.720, 455.730 & 455.735

Hist.: BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05; BCD 4-2006, f. 3-31-06, cert. ef. 4-1-06; BCD 19-2006, f. 12-29-06, cert. ef. 1-1-07; BCD 6-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 7-2011, f. & cert. ef. 3-11-11; BCD 24-2011, f. 7-26-11, cert. ef. 10-1-11; BCD 1-2016(Temp), f. & cert. ef. 1-26-16 thru 7-23-16

918-098-1028

Oregon Inspector Certification Renewal Process

Effective ~~July 1, 2010~~ **July 1, 2016**:

(1) All Oregon Inspector Certifications expire on November 1, 2010 **2016** and every three years thereafter.

(2)~~(a)~~ Oregon Inspector certification renewals must be completed on or prior to the certification expiration date ~~by:~~

(3) To renew an Oregon Inspector Certification a person must:

~~(A)~~**(a)** Completing **Submit** the renewal form;

~~(B)~~**(b)** Completing **Demonstrate completion of** all continuing education requirements; and

~~(C)~~**(c)** Paying **Submit** the certification renewal fee of \$125 for a three year term.

~~(b)~~ A certification not renewed on or prior to the certification expiration date is expired.

~~(3)~~**(4)** The division mails one renewal notification to the last known address of the licensee **certification holder** at least 45 days prior to certification expiration. It is the responsibility of the certification holder to notify the division of a change of address.

~~(4)~~**(a)** An expired certification may be reinstated up to 5 years from the certification expiration date by:

~~(A)~~ Completing the reinstatement form;

~~(B)~~ Completing all continuing education requirements; and

~~(C)~~ Paying the certification renewal fee of \$125.

~~(b)~~ A certification expired for more than 5 years from the certification expiration may not be reinstated and requires application as provided in OAR 918-098-1025(1).

~~(5)~~ Anyone with an Oregon Code Certification issued prior to October 1, 2005, who does not already possess an Oregon Inspector Certification, will be issued an Oregon Inspector Certification without fee or testing requirements. This certification will expire on November 1, 2010 and must be renewed according to section (2) of this rule.

Stat. Auth.: ORS 455.720, 455.730 & 455.735

Stat. Implemented: ORS 455.720, 455.730 & 455.735

Hist.: BCD 6-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 7-2011, f. & cert. ef. 3-11-11; BCD 24-2011, f. 7-26-11, cert. ef. 10-1-11

918-098-1100

2016 Certification Transition

(1) Notwithstanding OAR 918-098-1025, the division may issue an equivalent Oregon Code Certification to a person with a valid Oregon Inspector Certification, a valid International Code Council Certification, or a nationally recognized certification or license, issued prior to April 1, 2016, for:

(a) Commercial Building Inspector;

(b) Commercial Building Plans Examiner;

- (c) Commercial Fire Plans Examiner;
- (d) Commercial Mechanical Inspector;
- (e) Residential Building Inspector;
- (f) Residential Mechanical Inspector; and
- (g) Residential Plans Examiner;

(2) Notwithstanding OAR 918-098-1025, the division may issue an Oregon Building Official certification to a person with a valid Oregon Inspector Certification issued prior to April 1, 2016; and

(a) Successful passage of an International Code Council Building Official Legal/Management examination prior to April 1, 2016; or

(b) A valid International Code Council Certified Building Official certification issued prior to April 1, 2016.

(3) The division may deny the issuance of an equivalent Oregon certification under (1) and (2) of this rule if:

(a) A final order, including a consent order or default order, has been issued against the person pursuant to ORS chapter 455;

(b) The person is unable to produce evidence of a valid nationally recognized certification or successful passage of an International Code Council Building Official Legal/Management examination;

(c) The person has not completed all required continuing education for the certification pursuant to section (4) of this rule; or

(d) The division otherwise determines the person is not qualified to possess the equivalent Oregon certification.

(4) For the period between November 1, 2013 and November 1, 2016, code change continuing education is required for a person who received a certification before the effective date of a new applicable Oregon code for the certification. If the applicable Oregon code for the certification has not changed since the person received the certification, or if the division determined code change continuing education was not necessary for the applicable code, no code change continuing education is required.

(5) If a certification holder fails to complete required continuing education for a given certification by the deadline for renewal of their Oregon Inspector Certification, the

certification for which they did not complete continuing education is cancelled and the person may not re-apply for the certification pursuant to OAR 918-098-1025 for the three-year period covered by the Oregon Inspector Certification. Instead, to obtain the certification, the person must successfully pass an examination administered by the division.

(6) Applicants who fail the examination under section (5) of this rule may reapply and retest for a fee of \$80.

(7) Persons who have not obtained the appropriate Oregon certification by November 1, 2016 may not perform duties as a building official or perform inspections or plan reviews for which an Oregon Code Certification is required.

Stat. Auth.: ORS 455.622, 455.720 & 455.730

Stat. Implemented: ORS 455.622, 455.720 & 455.730

Hist.: New

918-098-1470

Duties and Responsibilities of Certified Building Officials, Inspectors, and Plans Examiners

Persons who hold an Oregon Inspector Certification or an Oregon Code Certification must act in the public interest in performing their duties as a building official, inspector, or plans examiner, including but not limited to:

- (1) Obtaining and maintaining any required certification prior to performing their duties;
- (2) Performing only inspections or plan reviews with the appropriate valid certification for the inspection or plan review being performed;
- (3) Completing all required continuing education requirements and maintaining records of completion of continuing education courses required for each required certification sufficient to demonstrate compliance with OAR 918-098-1450;
- (4) Administering and enforcing building inspection program requirements established in ORS Chapters 455 and 479 and rules adopted thereunder, including but not limited to:
 - (a) Enforcing all appropriate building code statutes and rules adopted thereunder;
 - (b) Enforcing specialty codes, adopted standards, and statewide code interpretations under ORS Chapters 455 and 479;
 - (c) Allowing the use of alternate method rulings under ORS 455.060, emerging technologies under ORS 455.065, and other requirements under ORS chapter 455;
 - (d) Following appeal decisions issued by the department or an appropriate advisory board under ORS 455.475 or 479.853;
 - (e) Following fee methodologies and number of inspections established under OAR chapter 918, division 50;
 - (f) Allowing the use of plans approved by the division under ORS 455.062 or 455.685;

(g) Following the department's direction established for an essential project and assisting with any action the department determines is necessary to ensure the project proceeds in a timely manner under ORS 455.466(4) and (5);

(h) Abiding by all of the terms and conditions of any agreements entered into with the department, including but not limited to, partnership agreements entered into under ORS 455.185 and program approvals under ORS 455.148 and 455.150, and delegations under ORS 479.855;

(i) Communicating requirements to customers clearly as required under OAR 918-098-1900; and

(j) Avoiding management or performance of work regulated by the state building code for a company engaged in construction or property development in Oregon when employed as an inspector, plans examiner, or building official by the division, a municipality, or registered business under ORS 455.457. For the purposes of this section, property development includes, but is not limited to engineering, designing, testing, or auditing of buildings or other structures, devices and equipment regulated by the state building code; and

~~(j)~~**(k)** Following any directives, orders, or other building program requirements established by the department;

(5) Cooperating with requests for information from the division, including requests for information during the course of an investigation. Failure to provide information upon request may be considered a violation of an order by the Director or an advisory board and may result in action taken under ORS 455.740 or 455.895 or other appropriate sanction;

(6) Notifying the division of any changes of name or address in a manner prescribed by the division within 10 business days; and

(7) Following all licensing and other requirements under ORS 455.455 and 455.457 and rules adopted thereunder when required.

Stat. Auth.: ORS 455.720

Stat. Implemented: ORS 455.720

Hist.: BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05; BCD 4-2006, f. 3-31-06, cert. ef. 4-1-06; BCD 5-2014, f. & cert. ef. 4-1-14; BCD 1-2016(Temp), f. & cert. ef. 1-26-16 thru 7-23-16