



Certification Changes

Purpose of the rule:

These rules make changes to the certification process that support the division's emphasis on Oregon focused training by making changes to the certification requirements for building officials, inspectors, and plans examiners. Specifically these rules change Oregon certifications, create a transition path from International Code Council certifications to equivalent Oregon certifications, and clarify 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 public hearings 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 The division adopted temporary rules on January 26, 2016, and permanent rules which repealed the temporary rules and became effective on April 1, 2016.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 division held a public hearing on these rules on June 21, 2016. The division made changes to the proposed rules based on feedback from that public hearing which are included in the permanent rules. The proposed rules for the December hearing, the February hearing, the January temporary rules, the April permanent rules, the June hearing, and these rules are available on the division's website at <https://www.oregon.gov/bcd/laws-rules/Pages/proposed-rules.aspx>.

Effect of the rule:

These rules make changes including, but not limited to, the following:

- Changes to the requirements for Oregon code 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
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I certify that the attached copies are true, full and correct copies of the PERMANENT Rule(s) adopted on Upon filing, by the
Department of Consumer and Business Services, Building Codes Division 918

Agency and Division

Administrative Rules Chapter Number

Holly A. Tucker

(503) 378-5331

Rules Coordinator

Telephone

PO Box 14470, Salem, OR 97309-0404

Address

To become effective 07/01/2016 Rulemaking Notice was published in the June 2016 Oregon Bulletin.

RULE CAPTION

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

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

RULEMAKING ACTION

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:

918-098-1100, 918-098-1475

AMEND:

918-098-1010, 918-098-1012, 918-098-1015, 918-098-1025, 918-098-1028

REPEAL:

RENUMBER:

AMEND AND RENUMBER:

Statutory Authority:

ORS 455.030, 455.055, 455.062, 455.110, 455.622, 455.720, 455.730, 455.735

Other Authority:

Statutes Implemented:

ORS 455.030, 455.055, 455.062, 455.110, 455.622, 455.720, 455.730, 455.735

RULE SUMMARY

These rules amend the division's certification requirements and obligations for building officials, inspectors and plans examiners. The rules contain a variety of changes, including, but not limited to: clarifying experience requirements for Oregon Code Certification 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.

Holly A. Tucker

holly.a.tucker@state.or.us

Rules Coordinator Name

Email Address

918-098-1010

Certification Exemptions

(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.

(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.

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

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

(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 (1) and (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 (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 a Nationally Recognized Certification

This rule is repealed effective 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 918-098-1025 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 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 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 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 3111.5 of the **Oregon Structural 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

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.

(2)(a) Persons applying for the Oregon Inspector Certification 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.

(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, 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) Have a 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.

(c) Pay the \$80.00 fee; and

(d) Successfully pass the appropriate Oregon Code Certification exam, or submit proof of a valid appropriate International Code Council certification or other valid appropriate 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; and

(G) Any other International Code Council or other nationally recognized certification the division determines is equivalent to an Oregon Code Certification.

(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 certification training course in order to obtain division certification through the course.

(6) 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.

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

(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 (2) or (3) of this rule.

(9) The division may extend the six-month period to complete a code certification training pursuant to (3)(b)(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)(d) of this rule, proof of passage of the 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, 2016:

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

(2) Oregon Inspector certification renewals must be completed on or prior to the certification expiration date.

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

(a) Submit the renewal form;

(b) Demonstrate completion of all continuing education requirements; and

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

(4) The division mails one renewal notification to the last known address of the 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.

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 appropriate International Code Council Certification, or an appropriate 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;
- (g) Residential Plans Examiner; and

(h) Any other International Code Council or other nationally recognized certification the division determines is equivalent to an Oregon Code Certification.

(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) Successfully passed an International Code Council Building Official Legal/Management examination prior to April 1, 2016; or

(b) Obtained a valid International Code Council Certified Building Official certification 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) In addition to any other authority, the division finds the person is not entitled to possess the equivalent Oregon certification because of any prejudicial or unlawful action, including but not limited to, demonstrated lack of code knowledge, failing to properly administer the code, and not acting in the public interest.

(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 will be denied 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 reapply and 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

918-098-1475

Conflict of Interest for Building Officials, Inspectors, and Plans Examiners

(1) A person with an Oregon Inspector Certification and an Oregon Code Certification may not get paid to perform or manage 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 a registered business under ORS 455.457.

(2) Notwithstanding (1), a person hired by the division, a municipality, or a registered business under ORS 455.457 may continue to perform or manage work for a company engaged in construction or property development in Oregon for 6 months after hire only as necessary to complete or transition previously accepted work, if:

(a) The person does not engage in any conflicts of interest;

(b) The person submits written notice to the jurisdiction that hired them of their intent to continue outside work; and

(c) The jurisdiction that hired the person consents in writing to the continued outside work.

(3) For the purposes of this section “engaged in construction or property development” includes, but is not limited to:

(a) Designing, testing, or auditing of buildings or other structures, devices, and equipment regulated by the state building code; and

(b) Selling products or services that design, test, or audit buildings or other structures, devices, and equipment that are regulated by the state building code or that provide information related to the requirements of the state building code.

(4) For the purposes of this section, “employed” means working directly for an employer as an employee and completing a withholding exemptions certificate required by ORS 316.162 to 316.212.

(5) For the purposes of this section, “paid” means receiving any compensation from any source.

Stat. Auth.: ORS 455.720

Stat. Implemented: 455.720

Hist.: New