

A-Engrossed House Bill 2420

Ordered by the House April 17
Including House Amendments dated April 17

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Business and Labor)

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.

Requires that municipal building official be employed by municipality or council of governments or under intergovernmental agreement. **Limits number of municipalities that may be served by building official employed by council of governments or under intergovernmental agreement. Establishes certification requirements and other qualifications for municipal building officials.** Makes municipal building official responsible for ensuring adequate administration and enforcement of municipal building inspection program activities.

Requires that municipality with building inspection program arrange for *[individual holding highest level of certification for structural specialty code inspection]* **municipal building official** to provide supervision and active involvement in program aspects that involve inspections for routine enforcement of building code specialty codes. *[Requires that individual be building official or be employed by municipality or council of governments or under intergovernmental agreement.]*

Requires that municipality with building inspection program provide administrative process for reviewing appeals to municipal building official decisions. Provides that person performing plan review, building inspections services or building official services for municipality is public official for purposes of government ethics statutes.

Requires that municipal inspector be employed by municipality, or under intergovernmental agreement or by council of governments, or *[perform inspections under actual or apparent authority as agent on behalf of municipality]* **be independent contractor exercising actual or apparent authority under contract to provide routine enforcement of state building code specialty codes. Limits number of municipalities that may be served by building inspector employed by council of governments or intergovernmental agreement or acting as independent contractor.** Requires that municipal inspector *[acting as agent for municipality]* **who is not municipal employee** establish resources and methods for inspection, subject to approval by individual providing supervision over program inspections and enforcement.

Revises terminology regarding building officials and building inspectors who qualify for certification. Provides that specialized building inspector may be trained and certified in parts of more than one specialty code.

Prohibits municipality from accepting municipal building official or municipal inspector services from person who does not have valid certification.

Requires municipality that uses unqualified building inspector to determine by specified deadline whether to continue municipal building inspection program. Provides for assumption of program if municipality does not continue program. Requires that municipality continuing program comply with municipal inspector qualification requirements no later than July 1, 2020.

Validates past actions of municipal building officials and municipal building inspectors for administration and enforcement of municipal building inspection program if Department of Consumer and Business Services could lawfully perform same action when administering and enforcing building inspection program.

Makes **validation of past actions and requirements** regarding employment of municipal building official and individual to supervise inspection and enforcement of program operative July 1, *[2021]* **2020.**

Declares emergency, effective on passage.

A BILL FOR AN ACT

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Relating to building codes; creating new provisions; amending ORS 215.236, 446.250, 446.255, 447.091, 450.837, 455.010, 455.042, 455.046, 455.062, 455.070, 455.080, 455.148, 455.150, 455.200, 455.210, 455.450, 455.475, 455.485, 455.685, 455.715, 455.720, 455.723, 455.730, 455.732, 455.737, 455.740,

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 455.800, 455.820, 479.530 and 693.115; and declaring an emergency.

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

3
4 **GENERAL DEFINITIONS**

5
6 **SECTION 1.** ORS 455.010 is amended to read:

7 455.010. As used in this chapter, unless the context requires otherwise:

8 (1)(a) "Advisory board" means the board with responsibility for assisting in the adoption,
9 amendment or administration of a specialty code, specifically:

10 (A) The Building Codes Structures Board established under ORS 455.132;

11 (B) The Electrical and Elevator Board established under ORS 455.138;

12 (C) The State Plumbing Board established under ORS 693.115;

13 (D) The Board of Boiler Rules established under ORS 480.535;

14 (E) The Residential and Manufactured Structures Board established under ORS 455.135;

15 (F) The Mechanical Board established under ORS 455.140; or

16 (G) The Construction Industry Energy Board established under ORS 455.492.

17 (b) "Appropriate advisory board" means the advisory board that has jurisdiction over a partic-
18 ular code, standard, license, certification or matter.

19 (2) "Department" means the Department of Consumer and Business Services.

20 (3) "Director" means the Director of the Department of Consumer and Business Services.

21 (4) "Low-Rise Residential Dwelling Code" means the adopted specialty code prescribing stan-
22 dards for the construction of residential dwellings that are three stories or less above grade and
23 have an exterior door for each dwelling unit, but are not facilities or homes described in ORS
24 443.400 or transient lodging.

25 (5) "**Municipal building official**" means a person who is charged by a municipality with
26 responsibility for the administration and enforcement of a building inspection program in the
27 municipality and is:

28 (a) An employee of the municipality; or

29 (b) A person employed under an intergovernmental agreement or by a council of gov-
30 ernments to carry out that responsibility for any number of municipalities, provided that:

31 (A) The municipalities are contained within a geographic area that does not exceed three
32 adjacent counties; and

33 (B) The department determines by rule that the municipalities can be reasonably served
34 by the person on a timely basis.

35 (6) "**Municipal inspector**" means a person who performs routine enforcement of one or
36 more state building code specialty codes or parts of one or more specialty codes for a
37 municipality and is:

38 (a) An employee of the municipality; or

39 (b) A person employed under an intergovernmental agreement or by a council of gov-
40 ernments or acting as an independent contractor exercising actual or apparent authority
41 under the contract to perform that routine enforcement in any number of municipalities,
42 provided that:

43 (A) The municipalities are contained within a geographic area that does not exceed three
44 adjacent counties; and

45 (B) The department determines by rule that the municipalities can be reasonably served

1 **by the person on a timely basis.**

2 [(5)] (7) “Municipality” means a city, county or other unit of local government otherwise au-
3 thorized by law to administer a building code.

4 [(6)] (8) “Prefabricated structure” means a building or subassembly that has been in whole or
5 substantial part manufactured or assembled using closed construction at an off-site location to be
6 wholly or partially assembled on-site. “Prefabricated structure” does not include a manufactured
7 dwelling, recreational structure or recreational vehicle, as those terms are defined in ORS 446.003.

8 [(7)] (9) “Specialty code” means a code of regulations adopted under ORS 446.062, 446.185,
9 447.020 (2), 455.020 (2), 455.496, 455.610, 455.680, 460.085, 460.360, 479.730 (1) or 480.545, but does not
10 include regulations adopted by the State Fire Marshal pursuant to ORS chapter 476 or ORS 479.015
11 to 479.200 and 479.210 to 479.220.

12 [(8)] (10) “State building code” means the combined specialty codes.

13 [(9)] (11) “Structural code” means the specialty code prescribing structural standards for build-
14 ing construction.

15 [(10)] (12) “Unsafe condition” means a condition caused by earthquake which is determined by
16 the department or any representative of the department to be dangerous to life and property. “Un-
17 safe condition” includes but is not limited to:

18 (a) Any portion, member or appurtenance of a building that has become detached or dislodged
19 or appears likely to fail or collapse and thereby injure persons or damage property; or

20 (b) Any portion, of a building or structure that has been damaged by earthquake, or by fire or
21 explosion resulting from an earthquake, to the extent that the structural strength or stability of the
22 building is substantially less than it was prior to the earthquake.

23
24 **BUILDING OFFICIAL AND INSPECTOR QUALIFICATIONS**

25
26 **SECTION 2. (1) Except as provided in subsection (2) of this section, a municipal building**
27 **official serving a municipality that administers and enforces a building inspection program**
28 **under ORS 455.148 or 455.150 must:**

29 (a) **Hold a valid certificate as an A-level inspector or A-level plan examiner issued by the**
30 **Department of Consumer and Business Services or an equivalent certificate issued by a na-**
31 **tional organization recognized by the Director of the Department of Consumer and Business**
32 **Services by rule; and**

33 (b) **Have:**

34 (A) **Five or more years of experience performing A-level structural plan review under an**
35 **appropriate certificate;**

36 (B) **Five or more years of experience performing A-level structural inspections under an**
37 **appropriate certificate; or**

38 (C) **A bachelor’s degree or higher degree in architecture.**

39 (2) **A person who does not meet the requirements under subsection (1) of this section**
40 **may serve as a municipal building official for a municipality if the municipality employs a**
41 **lead municipal inspector who possesses some of the qualifications described under subsection**
42 **(1) of this section as specified in department rules.**

43 **SECTION 3. ORS 455.715 is amended to read:**

44 455.715. As used in ORS 455.715 to 455.740, unless the context otherwise requires:

45 (1) “Building official” means a person charged by a municipality with responsibility for admin-

1 istration and enforcement of the state building code in the municipality.

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

5 (a) Structural;

6 (b) Mechanical;

7 (c) Plumbing;

8 (d) Electrical; *[and]* **or**

9 (e) Low-rise residential dwelling.

10 (3) "Inspector" means:

11 (a) A person, including a plans examiner, *[acting under the authority and direction of a building*
12 *official and]* charged **by a municipality** with the responsibility of routine enforcement of one or
13 more specialty codes or parts of specialty codes **on behalf of the municipality**;

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

17 (c) A specialized building inspector certified under ORS 455.723 who *[is employed by]* **provides**
18 **services to** a municipality or *[by]* **through** the Department of Consumer and Business Services;

19 (d) A person *[employed by]* **providing services to** a municipality or the department who is cer-
20 tified under ORS 455.732 to perform inspections under one or more specialty codes throughout a
21 building code administrative region; or

22 (e) A person designated by the Director of the Department of Consumer and Business Services
23 to ensure compliance with a specialty code or with any requirement for a license, registration, cer-
24 tification, endorsement or other authorization to perform work *[related to the administration and*
25 *enforcement of]* **regulated under** the state building code.

26 **SECTION 4.** ORS 455.720 is amended to read:

27 455.720. (1) In accordance with applicable provisions of ORS chapter 183, to promote effective
28 and uniform enforcement of the state building code by improving the competence of building officials
29 and inspectors, the Director of the Department of Consumer and Business Services, with the advice
30 of the advisory boards, shall:

31 (a) Establish for building officials and inspectors reasonable minimum training and experience
32 standards, including but not limited to courses or subjects for instruction, facilities for instruction,
33 qualification of instructors and methods of instruction. The standards shall include provisions for
34 determining a practical experience equivalent.

35 (b) Establish a procedure to be used by municipalities to determine whether a person meets
36 minimum standards or has minimum training to *[be appointed or employed]* **provide services** as a
37 building official or inspector. The procedure shall allow for a field examination of a person to de-
38 termine if the person meets the practical experience equivalent of a minimum standard.

39 (c) Subject to such terms, conditions and classifications as the director may impose, certify
40 building officials as being qualified, and revoke such certifications in the manner provided in ORS
41 455.740.

42 (d) Require an applicant for a certificate as a building official or inspector to demonstrate
43 knowledge of the laws governing accessibility to buildings by persons with disabilities by passing
44 an examination prescribed by the director.

45 (2) The director shall maintain and, upon request of *[municipalities, furnish information on ap-*

1 *plicants for appointment or employment as building officials or inspectors.] a municipality, furnish*
2 **information on candidates for the provision of municipal building official services, or mu-**
3 **nicipal inspector services, to the municipality.**

4 (3) Pursuant to ORS chapter 183, the director shall adopt rules necessary to carry out the cer-
5 tification programs provided by subsection (1) of this section.

6 (4) The director, by rule, may require evidence of completion of continuing education covering
7 any certification created under this section as a condition of maintaining the certification. Nothing
8 in this subsection shall prohibit the director from delegating any of this power to a municipality.

9 (5) The director, with the advice of the appropriate advisory boards, may adopt rules for certi-
10 fying inspectors as being qualified to enforce one or more particular specialty codes, subject to any
11 terms, conditions and classifications the director may impose, and for revoking those certifications
12 in the manner provided in ORS 455.740.

13 **SECTION 5.** ORS 455.723 is amended to read:

14 455.723. (1) The Director of the Department of Consumer and Business Services, with the advice
15 of the appropriate advisory boards, may adopt rules establishing one or more programs to train,
16 qualify and certify an individual as a specialized building inspector authorized to enforce [*portions*]
17 **parts** of specialty codes. Notwithstanding ORS 455.720 (1) and 455.725, the rules may include, but
18 need not be limited to, rules that establish:

19 (a) Work experience, training and other qualifications for program participation;

20 (b) Content and presentation requirements for training programs;

21 (c) Methods for verifying the qualification of the individual to enforce [*portions*] **parts** of spe-
22 cialty codes as a specialized building inspector certified under this section;

23 (d) The [*portions*] **parts** of various specialty codes that each program will enable a qualifying
24 individual to enforce and any terms, conditions or classifications applicable for that enforcement;
25 and

26 (e) Requirements the director believes reasonable for the administration and enforcement of this
27 section.

28 (2) Notwithstanding ORS 446.250, 455.630, 455.720, 455.725, 479.530, 479.810 and 479.855, the di-
29 rector may issue or cause to be issued a certificate as a specialized building inspector to an indi-
30 vidual who successfully completes an approved training program and satisfies qualification
31 verification under this section. **A specialized building inspector may be trained and certified in**
32 **parts of more than one specialty code.**

33 (3) An individual certified as a specialized building inspector under this section may conduct
34 inspections and enforce [*portions*] **parts** of specialty codes under ORS 479.510 to 479.945 and 479.950
35 and this chapter and ORS chapters 446, 447 and 693 as identified by the director. The enforcement
36 of [*portions*] **parts** of specialty codes by a specialized building inspector is subject to any terms,
37 conditions or classifications applicable to that enforcement established by the director by rule.

38 **SECTION 6.** ORS 455.730 is amended to read:

39 455.730. [*No person shall be appointed or employed as a building official or inspector by any*
40 *municipality]* **A municipality may not accept municipal building official or municipal inspector**
41 **services from a person** unless the person has been certified as being qualified under ORS 455.715
42 to 455.740, and the certification has not lapsed or been revoked.

43 **SECTION 7.** ORS 455.732 is amended to read:

44 455.732. (1) As used in this section, "building code administrative region" means a region es-
45 tablished by the Director of the Department of Consumer and Business Services under ORS 455.042

1 for the uniform administration of the state building code.

2 (2) The authority of the director under **this section and** ORS 455.720 and 455.723 to specify
3 terms, conditions and classifications for the certification of inspectors includes the authority to
4 certify an inspector to perform inspections under multiple specialty codes or parts of a specialty
5 code.

6 (3) The director may provide for an inspector who is likely to be employed within a specific
7 building code administrative region to be certified to perform inspections throughout a building code
8 administrative region, whether within or outside of a municipality. The director may recognize any
9 training program certified by the director under ORS 455.723 or 455.725 for purposes of certifying
10 an inspector to perform inspections throughout a building code administrative region. This sub-
11 section does not require a municipality administering and enforcing a building inspection program
12 under ORS 455.148 or 455.150 to allow an inspector certified under this subsection who is not [*em-*
13 *ployed by*] **an employee of** the municipality to perform building inspections on behalf of the
14 municipality.

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

18 (a) Any factors specific to, or of particular relevance to, a specialty code or to the types of
19 buildings, structures, systems or equipment in a geographic area that are inspected under the spe-
20 cialty code;

21 (b) Staffing levels or other specific criteria for building inspection programs established by a
22 municipality where the inspector is likely to [*be employed*] **provide services** or for building in-
23 spection programs established by the director; and

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

26 (5) In determining the scope of certifications and qualifications for an inspector, the director
27 may utilize field training equivalency, independent evaluations or other methods the director deems
28 appropriate.

29 **SECTION 8.** ORS 455.737 is amended to read:

30 455.737. (1) Notwithstanding ORS 455.720 (1), the Director of the Department of Consumer and
31 Business Services, by rule, shall adopt criteria for review of the experience and training in building
32 inspection and building plan review acquired by a person outside the State of Oregon. The criteria
33 shall be adopted in a manner that facilitates review of a person's qualifications by a [*local*] **mu-**
34 **nicipal** building official.

35 (2)(a) A [*local*] **municipal** building official who wishes to [*employ*] **use the services of** a person
36 who is not certified under ORS 455.735 as an inspector shall submit the person's qualifications to
37 the director. The director shall review the stated qualifications against the criteria adopted under
38 subsection (1) of this section, including verification of experience and training. The director shall
39 respond to the [*local*] **municipal** building official in writing within 10 working days of receiving the
40 applicant's qualifications, stating whether the person meets the applicable criteria.

41 (b) Upon application and payment of the required fee, the director shall allow a person whose
42 qualifications meet the criteria adopted under subsection (1) of this section to sit for any examina-
43 tion necessary for the required certification.

44 **SECTION 9.** ORS 455.740 is amended to read:

45 455.740. (1) Subject to ORS chapter 183, the Director of the Department of Consumer and Busi-

1 ness Services may deny, condition, suspend, revoke or refuse to renew a certificate of a building
2 official or inspector if the director finds that the building official or inspector has:

- 3 (a) Consistently failed to act in the public interest in the performance of duties;
- 4 (b) Failed to complete the continuing education requirements as required under ORS 455.720 (4);
- 5 (c) Provided false information to the Department of **Consumer and Business Services**; or
- 6 (d) Committed an act described in ORS 455.125 or 455.129.

7 (2) In any revocation proceeding under this section, *[the]* a municipality or council of govern-
8 **ments** that employs the building official or inspector *[shall be]* **is** entitled to appear as a party in
9 interest, either for or against the revocation.

10 (3) When a certification is suspended or revoked under this section, the director may also sus-
11 pend, deny or place conditions on that person's right to reapply for certification under ORS 455.735
12 for a period not to exceed 12 months.

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

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

- 17 (a) Allow certifications to be placed on inactive status; and
- 18 (b) Extend continuing education compliance requirements in case of illness or hardship.

19
20 **MUNICIPAL BUILDING INSPECTION PROGRAMS**

21
22 **SECTION 10.** (1) **If a municipal building official makes a building inspection program de-**
23 **cision that is adverse to a party, and the decision is not a code interpretation, a ruling on**
24 **design or materials or a ruling on other technical or scientific issues reserved by law for**
25 **determination by the Director of the Department of Consumer and Business Services, the**
26 **Department of Consumer and Business Services, a chief specialty code inspector or an advi-**
27 **sory board, the municipality shall provide an administrative process for appealing the deci-**
28 **sion.**

29 (2) **At the time of making the decision, the municipal building official shall, in writing:**

- 30 (a) **State that the party may appeal the decision; and**
- 31 (b) **Describe the means and the deadline for informing the municipality that the party is**
32 **appealing the decision.**

33 (3) **The municipal administrative process must:**

- 34 (a) **Afford the party an opportunity to appeal the decision before an individual, depart-**
35 **ment or body that is other than the municipal building official or a municipal inspector; and**
- 36 (b) **Not be a judicial proceeding in a court of law.**

37 (4) **If a municipal inspector makes a determination that is adverse to a party, and after**
38 **receiving a request for review from the adversely affected party the municipal building offi-**
39 **cial fails to timely review the municipal inspector's determination and issue a decision, the**
40 **municipality shall treat the failure as a municipal building official decision affirming the**
41 **municipal inspector and provide the party a reasonable opportunity to use the municipal**
42 **administrative process to appeal.**

43 (5) **The costs incurred by a municipality in providing notice and administrative process**
44 **under this section are building inspection program administration and enforcement costs for**
45 **the purpose of fee adoption under ORS 455.210.**

1 **SECTION 11. A person, regardless of how employed, who performs plan review, building**
2 **inspection services or building official services for a municipality is a public official for the**
3 **purposes of ORS chapter 244.**

4 **SECTION 12.** ORS 455.148 is amended to read:

5 455.148. (1)(a) A municipality that assumes the administration and enforcement of a building in-
6 spection program shall administer and enforce the program for all of the following:

7 (A) The state building code, as defined in ORS 455.010, except as set forth in paragraph (b) of
8 this subsection.

9 (B) Manufactured structure installation requirements under ORS 446.155, 446.185 (1) and 446.230.

10 (C) Manufactured dwelling parks and mobile home parks under ORS chapter 446.

11 (D) Park and camp programs regulated under ORS 455.680.

12 (E) Tourist facilities regulated under ORS 446.310 to 446.350.

13 (F) Manufactured dwelling alterations regulated under ORS 446.155.

14 (G) Manufactured structure accessory buildings and structures under ORS 446.253.

15 (H) Boilers and pressure vessels described in rules adopted under ORS 480.525 (5).

16 (b) A building inspection program of a municipality may not include:

17 (A) Boiler and pressure vessel programs under ORS 480.510 to 480.670 except those described
18 in rules adopted under ORS 480.525 (5);

19 (B) Elevator programs under ORS 460.005 to 460.175;

20 (C) Amusement ride regulation under ORS 460.310 to 460.370;

21 (D) Prefabricated structure regulation under ORS chapter 455;

22 (E) Manufacture of manufactured structures programs under ORS 446.155 to 446.285, including
23 the administration and enforcement of federal manufactured dwelling construction and safety stan-
24 dards adopted under ORS 446.155 or the National Manufactured Housing Construction and Safety
25 Standards Act of 1974;

26 (F) Licensing and certification, or the adoption of statewide codes and standards, under ORS
27 chapter 446, 447, 455, 479 or 693; or

28 (G) Review of plans and specifications as provided in ORS 455.685.

29 (2) A municipality that administers a building inspection program as allowed under this section
30 shall do so for periods of four years. The Department of Consumer and Business Services shall adopt
31 rules to adjust time periods for administration of a building inspection program to allow for vari-
32 ations in the needs of the department and participants.

33 (3)(a) When a municipality administers a building inspection program, the governing body of the
34 municipality shall, *unless other means are already provided, appoint a person to administer and en-*
35 *force the building inspection program, who shall be known as the building official. A building official*
36 *shall, in the municipality for which appointed, attend to all aspects of code enforcement, including the*
37 *issuance of all building permits. Two or more municipalities may combine in the appointment of a*
38 *single building official for the purpose of administering a building inspection program within their*
39 *communities.] **arrange for the services of a municipal building official, and if necessary a lead***
40 **municipal inspector, in accordance with section 2 of this 2019 Act.**

41 **(b) Except as provided in this subsection, the municipal building official shall be respon-**
42 **sible for ensuring the adequate and proper administration and enforcement of building in-**
43 **spection program activities, including but not limited to the issuance of building permits. The**
44 **municipal building official shall provide supervision for municipal inspectors.**

45 (4)(a) By January 1 of the year preceding the expiration of the four-year period described in

1 subsection (2) of this section, the governing body of the municipality shall notify the Director of the
 2 Department of Consumer and Business Services and, if the municipality is not a county, notify the
 3 county whether the municipality will continue to administer and enforce the building inspection
 4 program after expiration of the four-year period.

5 (b) Notwithstanding the January 1 date set forth in paragraph (a) of this subsection, the director
 6 and the municipality and, if the municipality is not a county, the county may by agreement extend
 7 that date to no later than March 1.

8 (5) If a city does not notify the director, or notifies the director that it will not administer the
 9 building inspection program, the county or counties in which the city is located shall administer and
 10 enforce the county program within the city in the same manner as the program is administered and
 11 enforced outside the city, except as provided by subsection (6) of this section.

12 (6) If a county does not notify the director, or notifies the director that it will not administer
 13 and enforce a building inspection program, the director shall contract with a municipality or other
 14 person or use such state employees or state agencies as are necessary to administer and enforce a
 15 building inspection program, and permit or other fees arising therefrom shall be paid into the Con-
 16 sumer and Business Services Fund created by ORS 705.145 and credited to the account responsible
 17 for paying the expenses thereof. A state employee may not be displaced as a result of using contract
 18 personnel.

19 (7) The governing body of a municipality may commence responsibility for the administration
 20 and enforcement of a building inspection program beginning July 1 of any year by notifying the di-
 21 rector no later than January 1 of the same year and obtaining the director's approval of an as-
 22 sumption plan as described in subsection [(11)(c)] (12)(c) of this section.

23 (8) The department shall adopt rules to require the governing body of each municipality assum-
 24 ing or continuing a building inspection program under this section to submit a written plan with the
 25 notice required under subsection (4) or (7) of this section. If the department is the governing body,
 26 the department shall have a plan on file. The plan must specify how cooperation with the State Fire
 27 Marshal or a designee of the State Fire Marshal will be achieved and how a uniform fire code will
 28 be considered in the review process of the design and construction phases of buildings or structures.

29 **(9) A municipal inspector who is not an employee of the municipality shall, subject to the**
 30 **approval of the municipal building official, establish the resources used or needed for the**
 31 **municipal inspector to perform routine enforcement services and establish the method by**
 32 **which the enforcement services are to be performed.**

33 [(9)] (10) A municipality that administers and enforces a building inspection program pursuant
 34 to this section shall recognize and accept the performances of state building code activities by
 35 businesses and persons authorized under ORS 455.457 to perform the activities as if the activities
 36 were performed by the municipality. A municipality is not required to accept an inspection, a plan
 37 or a plan review that does not meet the requirements of the state building code.

38 [(10)] (11) The department or a municipality that accepts an inspection or plan review as re-
 39 quired by this section by a person licensed under ORS 455.457 has no responsibility or liability for
 40 the activities of the licensee.

41 [(11)] (12) In addition to the requirements of ORS 455.100 and 455.110, the director shall regulate
 42 building inspection programs that municipalities assume on or after January 1, 2002. Regulation
 43 under this subsection shall include but not be limited to:

44 (a) Creating building inspection program application and amendment requirements and proce-
 45 dures;

1 (b) Granting or denying applications for building inspection program authority and amendments;
2 (c) Requiring a municipality assuming a building inspection program to submit with the notice
3 given under subsection (7) of this section an assumption plan that includes, at a minimum:

4 (A) A description of the intended availability of program services, including proposed service
5 agreements for carrying out the program during at least the first two years;

6 (B) Demonstration of the ability and intent to provide building inspection program services for
7 at least two years;

8 (C) An estimate of proposed permit revenue and program operating expenses;

9 (D) Proposed staffing levels; and

10 (E) Proposed service levels;

11 (d) Reviewing procedures and program operations of municipalities;

12 (e) Creating standards for efficient, effective, timely and acceptable building inspection pro-
13 grams;

14 (f) Creating standards for justifying increases in building inspection program fees adopted by a
15 municipality;

16 (g) Creating standards for determining whether a county or department building inspection
17 program is economically impaired in its ability to reasonably continue providing the program
18 throughout a county, if another municipality is allowed to provide a building inspection program
19 within the same county; and

20 (h) Enforcing the requirements of this section.

21 [(12)] (13) The department may assume administration and enforcement of a building inspection
22 program:

23 (a) During the pendency of activities under ORS 455.770;

24 (b) If a municipality abandons or is no longer able to administer the building inspection program;
25 and

26 (c) If a municipality fails to substantially comply with any provision of this section or of ORS
27 455.465, 455.467 and 455.469.

28 [(13)] (14) If the department assumes the administration and enforcement of a building inspection
29 program under this section, in addition to any other power granted to the director, the director may:

30 (a) Enter into agreements with local governments under ORS 455.185 regarding the adminis-
31 tration and enforcement of the assumed building inspection program;

32 (b) Take action as described in ORS 455.192 to ensure that sufficient staff and other resources
33 are available for the administration and enforcement of the assumed building inspection program;
34 and

35 (c) Charge fees described in ORS 455.195 for department services provided in administering and
36 enforcing the assumed building inspection program.

37 [(14)] (15) A municipality that abandons or otherwise ceases to administer and enforce a building
38 inspection program that the municipality assumed under this section may not resume the adminis-
39 tration or enforcement of the program for at least two years. The municipality may resume the ad-
40 ministration and enforcement of the abandoned program only on July 1 of an odd-numbered year.
41 Prior to resuming the administration and enforcement of the program, the municipality must follow
42 the notification procedure set forth in subsection (7) of this section.

43 **SECTION 13.** ORS 455.150 is amended to read:

44 455.150. (1) Except as provided in subsection [(15)] (16) of this section, a municipality that as-
45 sumes the administration and enforcement of a building inspection program prior to January 1, 2002,

1 may administer and enforce all or part of a building inspection program. A building inspection pro-
2 gram:

3 (a) Is a program that includes the following:

4 (A) The state building code, as defined in ORS 455.010, except as set forth in paragraph (b) of
5 this subsection.

6 (B) Manufactured structure installation requirements under ORS 446.155, 446.185 (1) and 446.230.

7 (C) Manufactured dwelling parks and mobile home parks under ORS chapter 446.

8 (D) Park and camp programs regulated under ORS 455.680.

9 (E) Tourist facilities regulated under ORS 446.310 to 446.350.

10 (F) Manufactured dwelling alterations regulated under ORS 446.155.

11 (G) Manufactured structure accessory buildings and structures under ORS 446.253.

12 (H) Boilers and pressure vessels described in rules adopted under ORS 480.525 (5).

13 (b) Is not a program that includes:

14 (A) Boiler and pressure vessel programs under ORS 480.510 to 480.670 except those described
15 in rules adopted under ORS 480.525 (5);

16 (B) Elevator programs under ORS 460.005 to 460.175;

17 (C) Amusement ride regulation under ORS 460.310 to 460.370;

18 (D) Prefabricated structure regulation under ORS chapter 455;

19 (E) Manufacture of manufactured structures programs under ORS 446.155 to 446.285, including
20 the administration and enforcement of federal manufactured dwelling construction and safety stan-
21 dards adopted under ORS 446.155 or the National Manufactured Housing Construction and Safety
22 Standards Act of 1974;

23 (F) Licensing and certification, or the adoption of statewide codes and standards, under ORS
24 chapter 446, 447, 455, 479 or 693; and

25 (G) Review of plans and specifications as provided in ORS 455.685.

26 (2) A municipality that administers a building inspection program as allowed under this section
27 shall do so for periods of four years. The Department of Consumer and Business Services shall adopt
28 rules to adjust time periods for administration of a building inspection program to allow for vari-
29 ations in the needs of the department and participants.

30 (3)(a) When a municipality administers a building inspection program, the governing body of the
31 municipality shall, *unless other means are already provided, appoint a person to administer and en-*
32 *force the building inspection program or parts thereof, who shall be known as the building official. A*
33 *building official shall, in the municipality for which appointed, attend to all aspects of code enforce-*
34 *ment, including the issuance of all building permits. Two or more municipalities may combine in the*
35 *appointment of a single building official for the purpose of administering a building inspection program*
36 *within their communities.] **arrange for the services of a municipal building official, and if nec-***
37 **essary a lead municipal inspector, in accordance with section 2 of this 2019 Act.**

38 (b) **Except as provided in this subsection, the municipal building official shall be respon-**
39 **sible for ensuring the adequate and proper administration and enforcement of building in-**
40 **spection program activities, including but not limited to the issuance of building permits. The**
41 **municipal building official shall provide supervision for municipal inspectors.**

42 (4)(a) By January 1 of the year preceding the expiration of the four-year period described in
43 subsection (2) of this section, the governing body of the municipality shall notify the Director of the
44 Department of Consumer and Business Services and, if not a county, notify the county whether the
45 municipality will continue to administer the building inspection program, or parts thereof, after ex-

1 piration of the four-year period. If parts of a building inspection program are to be administered and
2 enforced by a municipality, the parts shall correspond to a classification designated by the director
3 as reasonable divisions of work.

4 (b) Notwithstanding the January 1 date set forth in paragraph (a) of this subsection, the director
5 and the municipality and, if the municipality is not a county, the county may by agreement extend
6 that date to no later than March 1.

7 (5) If a city does not notify the director, or notifies the director that it will not administer cer-
8 tain specialty codes or parts thereof under the building inspection program, the county or counties
9 in which the city is located shall administer and enforce those codes or parts thereof within the city
10 in the same manner as it administers and enforces them outside the city, except as provided by
11 subsection (6) of this section.

12 (6) If a county does not notify the director, or notifies the director that it will not administer
13 and enforce certain specialty codes or parts thereof under the building inspection program, the di-
14 rector shall contract with a municipality or other person or use such state employees or state
15 agencies as are necessary to administer and enforce those codes or parts thereof, and permit or
16 other fees arising therefrom shall be paid into the Consumer and Business Services Fund created
17 by ORS 705.145 and credited to the account responsible for paying such expenses. A state employee
18 may not be displaced as a result of using contract personnel.

19 (7) If a municipality administering a building inspection program under this section seeks to
20 administer additional parts of a program, the municipality must comply with ORS 455.148, including
21 the requirement that the municipality administer and enforce all aspects of the building inspection
22 program. Thereafter, the municipality is subject to ORS 455.148 and ceases to be subject to this
23 section.

24 (8) The department shall adopt rules to require the governing body of each municipality to
25 submit a written plan with the notice required under subsection (4) of this section. If the department
26 is the governing body, the department shall have a plan on file. The plan shall specify how coop-
27 eration with the State Fire Marshal or a designee of the State Fire Marshal will be achieved and
28 how a uniform fire code will be considered in the review process of the design and construction
29 phases of buildings or structures.

30 **(9) A municipal inspector who is not an employee of the municipality shall, subject to the**
31 **approval of the municipal building official, establish the resources used or needed for the**
32 **municipal inspector to perform routine enforcement services and establish the method by**
33 **which the enforcement services are to be performed.**

34 [(9)] (10) A municipality that administers a code for which persons or businesses are authorized
35 under ORS 455.457 to perform activities shall recognize and accept those activities as if performed
36 by the municipality. A municipality is not required to accept an inspection, a plan or a plan review
37 that does not meet the requirements of the state building code.

38 [(10)] (11) The department or a municipality that accepts an inspection or plan review as re-
39 quired by this section by a person licensed under ORS 455.457 has no responsibility or liability for
40 the activities of the licensee.

41 [(11)] (12) In addition to the requirements of ORS 455.100 and 455.110, the director shall regulate
42 building inspection programs of municipalities assumed prior to January 1, 2002. Regulation under
43 this subsection shall include but not be limited to:

44 (a) Creating building inspection program application and amendment requirements and proce-
45 dures;

1 (b) Granting or denying applications for building inspection program authority and amendments;

2 (c) Reviewing procedures and program operations of municipalities;

3 (d) Creating standards for efficient, effective, timely and acceptable building inspection pro-
4 grams;

5 (e) Creating standards for justifying increases in building inspection program fees adopted by a
6 municipality;

7 (f) Creating standards for determining whether a county or department building inspection pro-
8 gram is economically impaired in its ability to reasonably continue providing the program or part
9 of the program throughout a county, if another municipality is allowed to provide a building in-
10 spection program or part of a program within the same county; and

11 (g) Enforcing the requirements of this section.

12 [(12)] (13) The department may assume administration and enforcement of a building inspection
13 program:

14 (a) During the pendency of activities under ORS 455.770;

15 (b) If a municipality abandons any part of the building inspection program or is no longer able
16 to administer the building inspection program; and

17 (c) If a municipality fails to substantially comply with any provision of this section or of ORS
18 455.465, 455.467 and 455.469.

19 [(13)] (14) If the department assumes the administration and enforcement of a building inspection
20 program under this section, in addition to any other power granted to the director, the director may:

21 (a) Enter into agreements with local governments under ORS 455.185 regarding the adminis-
22 tration and enforcement of the assumed building inspection program;

23 (b) Take action as described in ORS 455.192 to ensure that sufficient staff and other resources
24 are available for the administration and enforcement of the assumed building inspection program;
25 and

26 (c) Charge fees described in ORS 455.195 for department services provided in administering and
27 enforcing the assumed building inspection program.

28 [(14)] (15) If a municipality abandons or otherwise ceases to administer all or part of a building
29 inspection program described in this section, the municipality may not resume the administration
30 and enforcement of the abandoned program or part of a program for at least two years. The
31 municipality may resume the administration and enforcement of the abandoned program or part of
32 a program only on July 1 of an odd-numbered year. To resume the administration and enforcement
33 of the abandoned program or part of a program, the municipality must comply with ORS 455.148,
34 including the requirement that the municipality administer and enforce all aspects of the building
35 inspection program. Thereafter, the municipality is subject to ORS 455.148 and ceases to be subject
36 to this section.

37 [(15)] (16) A municipality that administers and enforces a building inspection program under this
38 section shall include in the program the inspection of boilers and pressure vessels described in
39 subsection (1)(a)(H) of this section.

40 **SECTION 14.** ORS 455.475 is amended to read:

41 455.475. (1) An applicant for a building permit may appeal a decision made by a building official
42 under authority established pursuant to ORS 455.148, 455.150 or 455.467. The following apply to an
43 appeal under this subsection:

44 (a) An appeal regarding the interpretation or application of a particular specialty code provision
45 shall be made first to the appropriate specialty code chief inspector of the Department of Consumer

1 and Business Services. The decision of the department chief inspector may be appealed to the ap-
2 propriate advisory board. The decision of the advisory board may only be appealed to the Director
3 of the Department of Consumer and Business Services if codes in addition to the applicable specialty
4 code are at issue.

5 (b) If the appropriate advisory board determines that a decision by the department chief in-
6 spector is a major code interpretation, then the inspector shall distribute the decision in writing to
7 all applicable specialty code public and private inspection authorities in the state. The decision shall
8 be distributed within 60 days after the board's determination, and there shall be no charge for the
9 distribution of the decision. As used in this paragraph, a "major code interpretation" means a code
10 interpretation decision that affects or may affect more than one job site or more than one inspection
11 jurisdiction.

12 (2) Except as provided in subsection (1) of this section **or section 10 of this 2019 Act**, an ap-
13 plicant for a building permit may appeal the decision of a building official on any matter relating
14 to the administration and enforcement of this chapter to the department. The appeal must be in
15 writing. A decision by the department on an appeal filed under this subsection is subject to judicial
16 review as provided in ORS 183.484.

17 (3) If an appeal is made under this section, an inspection authority shall extend the plan review
18 deadline by the number of days it takes for a final decision to be issued for the appeal.

19
20 **CONFORMING AMENDMENTS**

21
22 **SECTION 15.** ORS 215.236 is amended to read:

23 215.236. (1) As used in this section, "dwelling" means a single-family residential dwelling not
24 provided in conjunction with farm use.

25 (2) The governing body or its designee may not grant final approval of an application made un-
26 der ORS 215.213 (3) or 215.284 (1), (2), (3), (4) or (7) for the establishment of a dwelling on a lot or
27 parcel in an exclusive farm use zone that is, or has been, receiving special assessment without evi-
28 dence that the lot or parcel upon which the dwelling is proposed has been disqualified for special
29 assessment at value for farm use under ORS 308A.050 to 308A.128 or other special assessment under
30 ORS 308A.315, 321.257 to 321.390, 321.700 to 321.754 or 321.805 to 321.855 and any additional tax
31 imposed as the result of disqualification has been paid.

32 (3) The governing body or its designee may grant tentative approval of an application made
33 under ORS 215.213 (3) or 215.284 (1), (2), (3), (4) or (7) for the establishment of a dwelling on a lot
34 or parcel in an exclusive farm use zone that is specially assessed at value for farm use under ORS
35 308A.050 to 308A.128 upon making the findings required by ORS 215.213 (3) or 215.284 (1), (2), (3),
36 (4) or (7). An application for the establishment of a dwelling that has been tentatively approved shall
37 be given final approval by the governing body or its designee upon receipt of evidence that the lot
38 or parcel upon which establishment of the dwelling is proposed has been disqualified for special
39 assessment at value for farm use under ORS 308A.050 to 308A.128 or other special assessment under
40 ORS 308A.315, 321.257 to 321.390, 321.700 to 321.754 or 321.805 to 321.855 and any additional tax
41 imposed as the result of disqualification has been paid.

42 (4) The owner of a lot or parcel upon which the establishment of a dwelling has been tentatively
43 approved as provided by subsection (3) of this section shall, before final approval, simultaneously:

44 (a) Notify the county assessor that the lot or parcel is no longer being used as farmland or for
45 other specially assessed uses described in subsection (2) or (3) of this section;

1 (b) Request that the county assessor disqualify the lot or parcel from special assessment under
2 ORS 308A.050 to 308A.128, 308A.315, 321.257 to 321.390, 321.700 to 321.754 or 321.805 to 321.855; and

3 (c) Pay any additional tax imposed upon disqualification from special assessment.

4 (5) Except as provided in subsection (6) of this section, a lot or parcel that has been disqualified
5 pursuant to subsection (4) of this section may not requalify for special assessment unless, when
6 combined with another contiguous lot or parcel, it constitutes a qualifying parcel.

7 (6)(a) A lot or parcel that has been disqualified pursuant to subsection (4) of this section may
8 requalify for wildlife habitat special assessment under ORS 308A.403 to 308A.430 or conservation
9 easement special assessment under ORS 308A.450 to 308A.465 without satisfying the requirements
10 of subsection (5) of this section.

11 (b) Upon disqualification from wildlife habitat special assessment under ORS 308A.430 or dis-
12 qualification from conservation easement special assessment under ORS 308A.465, the lot or parcel
13 shall be subject to the requirements of subsection (5) of this section.

14 (7) When the owner of a lot or parcel upon which the establishment of a dwelling has been
15 tentatively approved notifies the county assessor that the lot or parcel is no longer being used as
16 farmland and requests disqualification of the lot or parcel for special assessment at value for farm
17 use, the county assessor shall:

18 (a) Disqualify the lot or parcel for special assessment at value for farm use under ORS 308A.050
19 to 308A.128 or other special assessment by removing the special assessment;

20 (b) Provide the owner of the lot or parcel with written notice of the disqualification; and

21 (c) Impose the additional tax, if any, provided by statute upon disqualification.

22 (8) The Department of Consumer and Business Services, a **municipal** building official, as defined
23 in ORS [455.715 (1)] **455.010**, or any other agency or official responsible for the administration and
24 enforcement of the state building code, as defined in ORS 455.010, may not issue a building permit
25 for the construction of a dwelling on a lot or parcel in an exclusive farm use zone without evidence
26 that the owner of the lot or parcel upon which the dwelling is proposed to be constructed has paid
27 the additional tax, if any, imposed by the county assessor under subsection (7)(c) of this section.

28 **SECTION 16.** ORS 446.250 is amended to read:

29 446.250. The Director of the Department of Consumer and Business Services shall cause in-
30 spections to be made, approve plans and specifications, provide technical services and issue permits
31 for alteration of manufactured dwellings and installation of manufactured dwellings and manufac-
32 tured structure accessory buildings and structures on a lot. The director shall appoint or contract
33 with municipalities that request such appointment or contract for inspection and issuance of permits
34 for alteration of manufactured dwellings and installation of manufactured dwellings and manufac-
35 tured structure accessory buildings and structures and alterations of installations of plumbing,
36 heating, illuminating, cooking or electrical equipment, provided the [*municipality employs as local*]
37 **municipal** inspectors **are** qualified persons who have been certified by the director for inspection
38 and issuance of permits for alteration of manufactured dwellings and installation of manufactured
39 dwellings and manufactured structure accessory buildings and structures, pursuant to ORS 446.003,
40 446.111, 446.155, 446.160, 446.176, 446.225 to 446.285 and 446.990. However, the certification stan-
41 dards under this section shall relate to the inspections to be performed and shall not be more
42 stringent for municipal inspectors than those applying to state inspectors.

43 **SECTION 17.** ORS 446.255 is amended to read:

44 446.255. (1) After written notice and hearing as provided in subsection (2) of this section, the
45 Director of the Department of Consumer and Business Services may revoke the certification of a

1 [local] **municipal** inspector certified under ORS 446.250, or the authority of a [local government]
2 **municipality** to enforce provisions of ORS 446.003, 446.111, 446.160, 446.176, 446.225 to 446.285 and
3 446.990, [when] **if** it appears by competent evidence that the inspector or [local government]
4 **municipality** has consistently failed to act in the public interest in the enforcement of the pro-
5 visions of ORS 446.003, 446.111, 446.160, 446.176, 446.225 to 446.285 and 446.990.

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

9 **SECTION 18.** ORS 447.091 is amended to read:

10 447.091. The Department of Consumer and Business Services or local government administering
11 the plumbing specialty code adopted under ORS 447.020 (2) may, upon request of any sanitary dis-
12 trict formed pursuant to ORS 450.005 to 450.245, sanitary authority established under ORS 450.600
13 to 450.989, or county service district established under ORS 451.410 to 451.610, contract for [the]
14 **district** inspection of building sewers constructed to connect a district sewage system if inspectors
15 [employed by such] **for the** district are certified for sewer inspections under ORS 455.715 to 455.740.

16 **SECTION 19.** ORS 450.837 is amended to read:

17 450.837. (1) Water authorities and sanitary authorities are municipalities for the purposes of
18 administering and enforcing the plumbing code as provided under ORS 455.150.

19 (2) However, notwithstanding ORS 455.150 (3), a **municipal** building official [appointed by] **pro-**
20 **viding services to** a water authority or sanitary authority, or [an] a **municipal** inspector acting
21 under the authority and direction of such a building official shall [administer and enforce only that
22 portion] **carry out administration and enforcement activities only for that part** of the plumbing
23 code governing the installation and maintenance of connections between structures and the mains
24 and sewers of the authority.

25 (3) Nothing in this section authorizes a building official or inspector [of] **for** a water authority
26 or sanitary authority to administer or enforce all or part of any specialty code except the plumbing
27 code.

28 (4) A water authority or sanitary authority shall notify the Director of the Department of Con-
29 sumer and Business Services not later than May 1 of each year as to whether the authority will or
30 will not exercise the code enforcement power granted by this section.

31 **SECTION 20.** ORS 455.042 is amended to read:

32 455.042. The Director of the Department of Consumer and Business Services shall establish re-
33 gions for all areas of the state to carry out the uniform administration of the state building code.
34 The director shall assign Department of Consumer and Business Services employees for the regions
35 as necessary to:

36 (1) Promote consistent interpretation of the state building code;

37 (2) Resolve disputes between [local] **municipal** building officials and contractors or developers
38 regarding the application of one or more provisions of the state building code; and

39 (3) Provide oversight and enforcement of ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to
40 446.420, 479.510 to 479.945, 479.950, 479.995 and 480.510 to 480.670 and ORS chapters 447, 455, 460
41 and 693 and the rules adopted under those statutes.

42 **SECTION 21.** ORS 455.046 is amended to read:

43 455.046. (1) The Department of Consumer and Business Services shall:

44 (a) Develop and administer an installation label program for minor installations under the state
45 building code, including but not limited to electrical installations under ORS 455.627, 479.540 and

1 479.570 and plumbing installations under ORS 447.076;

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

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

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

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

10 (f) Maintain and make available to the public the names of persons certified to review building
11 plans;

12 (g) Maintain and make available to the public the names of persons certified to perform techni-
13 cal inspections; and

14 (h) Administer prepaid building permit cost accounts.

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

17 (a) Assist [*local*] **municipal** building officials in the administration and enforcement of the state
18 building code; and

19 (b) Establish a process to facilitate the consistent application of the state building code
20 throughout the state.

21 **SECTION 22.** ORS 455.062 is amended to read:

22 455.062. (1) A Department of Consumer and Business Services employee acting within the scope
23 of that employment may provide typical plans and specifications:

24 (a) For structures of a type for which the provision of plans or specifications is exempted under
25 ORS 671.030 from the application of ORS 671.010 to 671.220 and exempted under ORS 672.060 from
26 the application of ORS 672.002 to 672.325; and

27 (b) Notwithstanding ORS 671.010 to 671.220 and 672.002 to 672.325, for structures that are metal
28 or wood frame Use and Occupancy Classification Group U structures under the structural specialty
29 code.

30 (2) A **municipal** building official [*or inspector, as those terms are defined in ORS 455.715,*
31 *when*], **if** acting within the scope of direct employment by a municipality, may provide typical plans
32 and specifications for structures of a type for which the provision of plans or specifications is ex-
33 empted under ORS 671.030 from the application of ORS 671.010 to 671.220 and exempted under ORS
34 672.060 from the application of ORS 672.002 to 672.325.

35 (3) This section does not alter any applicable requirement under ORS 671.010 to 671.220 or
36 672.002 to 672.325 regarding stamps and seals for a set of plans for a structure.

37 **SECTION 23.** ORS 455.070 is amended to read:

38 455.070. (1) Any person may report a suspected violation of the state building code that poses
39 an imminent threat to public health or safety to the local **municipal** building official or, where the
40 code is state-administered, to the Department of Consumer and Business Services. The complaint
41 shall be in writing and submitted under rules adopted by the department. The rules of the depart-
42 ment shall provide for the disposition of frivolous or harassing complaints by requiring detailed de-
43 scriptions of the alleged violation and reference to the code sections allegedly violated.

44 (2) The municipality or the department shall give notice of the complaint to the contractor,
45 building owner and subcontractor, if any, involved in the project alleged to be in violation. The

1 municipality or the department may charge the complainant for the necessary costs of supplying,
2 copying and distributing the complaint form.

3 (3) If, after five working days, no remedial action has taken place, the complainant has standing
4 to appeal the matter to the appeals board of the municipality, where one is established, or directly
5 to the appropriate advisory board where there is no local appeals board. The municipal appeals
6 board or state advisory board shall reach a final decision within 14 days of the complainant's appeal.
7 A municipal appeals board decision shall then be subject to appeal to a state advisory board under
8 ORS 455.690, provided that the state advisory board shall reach a final determination within 14 days
9 of notice of an appeal. A record of the written complaint and the findings of the appeals and advi-
10 sory boards may be introduced into evidence in any judicial proceeding for damages brought against
11 the complainant by any person suffering damages as a result of the complaint.

12 **SECTION 24.** ORS 455.080 is amended to read:

13 455.080. Notwithstanding ORS 455.630 (2), any inspector, including a specialty code inspector
14 licensed under ORS 455.457, authorized by ORS **455.148**, 455.150 or 455.153 to determine compliance
15 with the requirements of the state building code or any specialty code under this chapter may, in
16 accordance with a compliance program as described in ORS 455.153 (2), require any person who is
17 engaged in any activity regulated by the state building code to demonstrate proof of compliance with
18 the applicable licensing, registration or certification requirements of ORS chapters 446, 447, 455,
19 460, 479, 480, 693 and 701.

20 **SECTION 25.** ORS 455.200 is amended to read:

21 455.200. The Director of the Department of Consumer and Business Services:

22 (1) May adopt rules, establish policies and procedures and take other actions the director con-
23 siders reasonable or expedient for carrying out agreements under ORS 455.148 [(13)] **(14)**, 455.150
24 [(13)] **(14)** or 455.185 and any duties, functions and powers of the director or the Department of
25 Consumer and Business Services under ORS 455.148 [(13)] **(14)**, 455.150 [(13)] **(14)** or 455.185 to
26 455.198;

27 (2) Shall consult at least annually with appropriate advisory boards regarding any agreements
28 under ORS 455.185 or actions taken by the director under ORS 455.148 [(13)] **(14)**, 455.150 [(13)] **(14)**
29 or 455.185 to 455.198; and

30 (3) Shall report annually to the Legislative Assembly as provided under ORS 192.230 to 192.250
31 regarding any department activities under ORS 455.148 [(13)] **(14)**, 455.150 [(13)] **(14)** or 455.185 to
32 455.198. The report shall include, but not be limited to, information regarding any projected need for
33 an increase in department resources required for carrying out the administration and enforcement
34 of building inspection programs under ORS 455.148 [(13)] **(14)**, 455.150 [(13)] **(14)** or 455.185 to
35 455.198.

36 **SECTION 26.** ORS 455.210 is amended to read:

37 455.210. (1) Fees shall be prescribed as required by ORS 455.020 for plan review and permits
38 issued by the Department of Consumer and Business Services for the construction, reconstruction,
39 alteration and repair of prefabricated structures and of buildings and other structures and the in-
40 stallation of mechanical heating and ventilating devices and equipment. The fees may not exceed 130
41 percent of the fee schedule printed in the "Uniform Building Code," 1979 Edition, and in the "Uni-
42 form Mechanical Code," 1979 Edition, both published by the International Conference of Building
43 Officials. Fees are not effective until approved by the Oregon Department of Administrative Ser-
44 vices.

45 (2) Notwithstanding subsection (1) of this section, the maximum fee the Director of the Depart-

1 ment of Consumer and Business Services may prescribe for a limited plan review for fire and life
2 safety as required under ORS 479.155 shall be 40 percent of the prescribed permit fee.

3 (3)(a) A municipality may adopt by ordinance or regulation such fees as may be necessary and
4 reasonable to provide for the administration and enforcement of any specialty code or codes for
5 which the municipality has assumed responsibility under ORS 455.148 or 455.150. A municipality
6 shall give the director notice of the proposed adoption of a new or increased fee under this sub-
7 section. The municipality shall give the notice to the director at the time the municipality provides
8 the opportunity for public comment under ORS 294.160 regarding the fee or, if the proposed fee is
9 contained in an estimate of municipal budget resources, at the time notice of the last budget meeting
10 is published under ORS 294.426.

11 (b) Ten or more persons or an association with 10 or more members may appeal the adoption
12 of a fee described in this subsection to the Director of the Department of Consumer and Business
13 Services. The persons or association must file the appeal no later than 60 days after the director
14 receives notice of the proposed adoption of the fee from the municipality under paragraph (a) of this
15 subsection. However, if the municipality failed to give notice to the director, an appeal may be filed
16 with the director within one year after adoption of the new or increased fee. Upon receiving a
17 timely appeal, the director shall, after notice to affected parties and hearing, review the
18 municipality's fee adoption process and the costs of administering and enforcing the specialty code
19 or codes referred to in paragraph (a) of this subsection. The director shall approve the fee if the
20 director feels the fee is necessary and reasonable. If the director does not approve the fee upon
21 appeal, the fee is not effective. The appeal process provided in this paragraph does not apply to fees
22 that have been submitted for a vote and approved by a majority of the electors voting on the ques-
23 tion.

24 (c) Fees collected by a municipality under this subsection shall be used for the administration
25 and enforcement of a building inspection program for which the municipality has assumed responsi-
26 bility under ORS 455.148 or 455.150.

27 (d) For purposes of paragraph (b) of this subsection, in determining whether a fee is reasonable
28 the director shall consider whether:

29 (A) The fee is the same amount as or closely approximates the amount of the fee charged by
30 other municipalities of a similar size and geographic location for the same level of service;

31 (B) The fee is calculated with the same or a similar calculation method as the fee charged by
32 other municipalities for the same service;

33 (C) The fee is the same type as the fee charged by other municipalities for the same level of
34 service; and

35 (D) The municipality, in adopting the fee, complied with ORS 294.160, 294.361 and 294.426 and
36 this section and standards adopted by the director under ORS 455.148 [(11)] (12) or 455.150 [(11)]
37 (12).

38 (4) Notwithstanding any other provision of this chapter:

39 (a) For the purpose of partially defraying state administrative costs, there is imposed a sur-
40 charge in the amount of four percent of the total permit fees or, if the applicant chooses to pay an
41 hourly rate instead of purchasing a permit, four percent of the total hourly charges collected.

42 (b) For the purpose of partially defraying state inspection costs, there is imposed a surcharge
43 in the amount of two percent of the total permit fees or, if the applicant chooses to pay an hourly
44 rate instead of purchasing a permit, two percent of the total hourly charges collected.

45 (c) For the purpose of defraying the cost of administering and enforcing the state building code,

1 there is imposed a surcharge on permit fees and on hourly charges collected instead of permit fees.
2 The surcharge may not exceed one percent of the total permit fees or, if the applicant chooses to
3 pay an hourly rate instead of purchasing a permit, one percent of the total hourly charges collected.

4 (d) For the purpose of defraying the cost of developing and administering the electronic building
5 codes information system described in ORS 455.095 and 455.097, there is imposed a surcharge in the
6 amount of four percent on permit fees, or if the applicant chooses to pay an hourly rate instead of
7 purchasing a permit, four percent of the total hourly charges collected.

8 (5) Municipalities shall collect and remit surcharges imposed under subsection (4) of this section
9 to the director as provided in ORS 455.220.

10 (6) The director shall adopt administrative rules to allow reduced fees for review of plans that
11 have been previously reviewed.

12 **SECTION 27.** ORS 455.450 is amended to read:

13 455.450. A person may not:

14 (1) Violate, or procure or assist in the violation of, any final order of the Director of the De-
15 partment of Consumer and Business Services, an advisory board, a state administrative officer or
16 any local appeals board, a building official or an inspector, concerning the application of the state
17 building code in a particular case or concerning a license, certificate, registration or other author-
18 ization.

19 (2) Engage in, or procure or assist any other person to engage in, any conduct or activity for
20 which a permit, label, license, certificate, registration or other formal authorization is required by
21 any specialty code, any provision of ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420,
22 446.566 to 446.646, 446.666 to 446.746, 479.510 to 479.945, 479.950 and 480.510 to 480.670, this chapter
23 or ORS chapter 447, 460 or 693, or any rule adopted or order issued for the administration and
24 enforcement of those provisions, without first having obtained such permit, label, license, certificate,
25 registration or other formal authorization.

26 (3) Violate, or procure or assist in the violation of, any standard, specification, requirement,
27 prohibition or other technical provision set forth in the state building code or an applicable local
28 building code or in any rule or order of the Department of Consumer and Business Services, an
29 advisory board, a [local] **municipal** governing body or [local] **municipal** building official.

30 **SECTION 28.** ORS 455.485 is amended to read:

31 455.485. (1) When adopting the state building code, the Director of the Department of Consumer
32 and Business Services shall give special consideration to the unique needs of construction in rural
33 or remote parts of this state.

34 (2) Notwithstanding any description of State Fire Marshal duties in ORS 476.030, 476.033,
35 476.035, 476.150 or 476.155, the Director of the Department of Consumer and Business Services or
36 a [local] **municipal** building official administering a building inspection program under ORS 455.148
37 or 455.150 may determine whether the structure as set forth in the plans and specifications or as
38 constructed meets the standards of the state building code, including but not limited to fire and life
39 safety standards. The State Fire Marshal, or a local fire official for a governmental subdivision ex-
40 empted from State Fire Marshal regulations as described under ORS 476.030, may provide advice to
41 building officials, inspectors or Department of Consumer and Business Services employees concern-
42 ing state building code standards. A [local] **municipal** building official or department employee shall
43 give consideration to advice of the State Fire Marshal or local fire official that does not conflict
44 with the state building code, but shall retain the authority to make final decisions regarding the
45 code.

1 **SECTION 29.** ORS 455.685 is amended to read:

2 455.685. The Director of the Department of Consumer and Business Services may, upon an ap-
 3 plication setting forth a set of plans and specifications that will be utilized in one or more munici-
 4 palities to acquire building permits, review and approve the application for the construction or
 5 erection of any building or structure if such set of plans meets the requirements of the state building
 6 code. All costs incurred by the director by virtue of the examination of such a set of plans and
 7 specifications shall be paid by the applicant. The plans and specifications or any plans and specifi-
 8 cations required to be submitted to a state agency shall be submitted to the director who shall ex-
 9 amine the instruments and if necessary distribute them to the appropriate state agencies for scrutiny
 10 regarding adequacy as to fire safety, life safety and all other appropriate features. The state agen-
 11 cies shall examine and promptly return the plans and specifications together with their certified
 12 statement as to the adequacy of the instruments regarding that agency's area of concern. The ap-
 13 plicant shall submit the plans and specifications to a [*local building official*] **municipality** prior to
 14 application for a building permit. The [*local*] **municipal** building official shall [*review*] **cause** the
 15 plan **to be reviewed** for those features required by local ordinance or by any site-specific, ge-
 16 ographic, geologic or climatic code requirements. A [*local building official*] **municipality** shall issue
 17 a building permit upon application and presentation to the [*local building official*] **municipality** of
 18 such a set of plans and specifications bearing the approval of the director if the requirements of all
 19 other local ordinances are satisfied. The director or [*local*] **municipal** building official may assess
 20 such fees as necessary to recover the reasonable costs incurred to ensure the compliance of the
 21 plans and specifications with the state building code.

22 **SECTION 30.** ORS 455.800 is amended to read:

23 455.800. As used in ORS 455.800 to 455.820:

24 (1) "Building official" means a person who is a **municipal** building official as defined in ORS
 25 [*455.715*] **455.010** or a Department of Consumer and Business Services employee charged with
 26 enforcement or administration of the state building code.

27 (2) "Building trade committee" means a group composed of experienced and knowledgeable local
 28 general contractors or other persons having substantial expertise in various aspects of one and two
 29 family dwelling construction under the Low-Rise Residential Dwelling Code.

30 (3) "General contractor" has the meaning given that term in ORS 701.005.

31 (4) "Master builder" means a person certified under ORS 455.810.

32 (5) "Qualified construction company" means a company that has been:

33 (a) Continuously licensed by the Construction Contractors Board during the preceding 60
 34 months as a general contractor; or

35 (b) Continuously licensed by the Construction Contractors Board during at least the preceding
 36 24 months as a general contractor and by one or more other states during the balance of the pre-
 37 ceding 60 months in an occupation equivalent to that of a general contractor.

38 (6) "Regular employee" means a person who:

39 (a) Is continuously employed by, and on the regular payroll of, a qualified construction company;

40 (b) Has filed a withholding exemption certificate pursuant to ORS 316.182 for work performed
 41 for the qualified construction company; and

42 (c) Is available during working hours to supervise on-site dwelling construction, including but
 43 not limited to supervising the installation of:

44 (A) Drywall;

45 (B) Electrical systems;

- 1 (C) Footings;
- 2 (D) Foundations;
- 3 (E) Framing;
- 4 (F) Insulation;
- 5 (G) Mechanical systems;
- 6 (H) Plumbing systems; and
- 7 (I) Stairs.

8 (7) "Whole dwelling remodel" means a project that includes the installation in an existing
9 dwelling of all of the following:

- 10 (a) Drywall;
- 11 (b) Electrical systems;
- 12 (c) Footings;
- 13 (d) Foundations;
- 14 (e) Framing;
- 15 (f) Insulation;
- 16 (g) Mechanical systems; and
- 17 (h) Plumbing systems.

18 **SECTION 31.** ORS 455.820 is amended to read:

19 455.820. (1) A master builder must perform all plan review and required verifications for which
20 government review or inspection has been waived by a building official. The master builder shall
21 maintain copies of all documents and reports required by the government granting the waiver and
22 provide those copies to the building official.

23 (2) When waiving government performance of plan review or required inspections, a building
24 official shall require the master builder to sign a form that specifically identifies each waiver and
25 states that the master builder accepts the duty of performing the review and verifications. A master
26 builder who accepts the duty of performing a review or verification remains responsible for that
27 duty unless released by written and signed permission of the building official. A building official may
28 release a master builder from a review or verification duty by a written and signed assumption of
29 the review or inspection duty by the building official or written and signed assumption of the review
30 and verification duty by another master builder.

31 (3) A building official for a government that has a master builder program:

- 32 (a) Must conduct inspections of at least 10 percent of projects that are built under a master
33 builder program;
- 34 (b) May revoke a waiver for a plan review or required inspection if the master builder fails to
35 properly perform, or document performance of, review or verification duties; and
- 36 (c) Must notify the Department of Consumer and Business Services when the official revokes a
37 waiver pursuant to paragraph (b) of this subsection.

38 (4) When revoking a waiver, a building official shall provide the master builder with a release
39 under subsection (2) of this section from future performance of review or verification duties. A re-
40 lease does not relieve a master builder from liability for the failure to perform, or document per-
41 formance of, review or verification duties prior to the revocation of the waiver.

42 (5) A government having a master builder program has no legal duty with regard to plan review
43 or required inspections properly waived under ORS 455.815 and accepted by a master builder in a
44 signed form described under subsection (2) of this section. This subsection does not release a gov-
45 ernment from a duty arising due to a waiver revocation under subsection (3) of this section or an

1 assumption under subsection (2) of this section.

2 (6) A *[local government]* **municipality** may refuse to grant recognition to a certified master
3 builder if a waiver granted to the master builder under that government's master builder program
4 has been revoked pursuant to subsection (3)(b) of this section. If a waiver is revoked pursuant to
5 subsection (3)(b) of this section, a *[local government]* **municipality** or **municipal** building official
6 may send a recommendation to the department for action against the master builder who was
7 granted the waiver. The *[local government]* **municipality** or **municipal** building official may also
8 send the department any information supporting the recommendation.

9 **SECTION 32.** ORS 479.530 is amended to read:

10 479.530. As used in ORS 479.510 to 479.945 and 479.995, unless the context requires otherwise:

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

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

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

17 (4) "Competent inspection service" means an electrical inspection service *[of a city or county]*
18 administered **by a municipality** under ORS 455.148 or 455.150 that *[employs]* **provides services**
19 **through** electrical inspectors who are certified to meet standards under ORS 479.810.

20 (5) "Commercial electrical air conditioning equipment" means heating, cooling, refrigeration,
21 dehumidifying, humidifying and filtering equipment used for climatizing or moving of air if used in
22 commerce, industry or government and if installed in a place not accessible to the general public
23 other than the switches regulating the operation of the equipment.

24 (6) "Demarcation point" means the place of interconnection between the communications cabl-
25 ing, terminal equipment or protective apparatus of the telecommunications service provider and the
26 customer's premises.

27 (7) "Department" means the Department of Consumer and Business Services.

28 (8) "Director" means the Director of the Department of Consumer and Business Services.

29 (9) "Dwelling unit" means one or more rooms for the use of one or more persons as a house-
30 keeping unit with space for eating, living and sleeping and permanent provisions for cooking and
31 sanitation.

32 (10) "Electrical installations" means the construction or installation of electrical wiring and the
33 permanent attachment or installation of electrical products in or on any structure that is not itself
34 an electrical product. "Electrical installation" also means the maintenance or repair of installed
35 electrical wiring and permanently attached electrical products. "Electrical installation" does not
36 include an oil module.

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

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

42 (13) "Field evaluation firm" means an independent organization that provides:

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

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

1 (14) "Industrial electrical equipment" means electrical products used in industry or government
2 that utilize electric energy for mechanical, chemical, heating, lighting or similar purposes, that are
3 designed to service or produce a product and that are used directly in the production of the service
4 or product.

5 (15) "Installation label" means an adhesive tag issued by governmental agencies that administer
6 the Electrical Safety Law to licensed electrical contractors for application to those minor electrical
7 installations for which the board by rule determines to be appropriate for random inspections.

8 (16) "License" means a permit issued by the department under ORS 479.630 authorizing the
9 person whose name appears as licensee thereon to act as an electrical contractor, supervising
10 electrician, journeyman electrician, electrical apprentice or limited elevator journeyman as indicated
11 thereon.

12 (17) "Minimum safety standards" means safety standards prescribed by concurrence of the board
13 and the director under ORS 479.730.

14 (18) "Multifamily dwelling" means a building containing more than one dwelling unit.

15 (19) "Oil module" means a prefabricated structure manufactured to the specifications of the
16 purchaser and used outside this state in the exploration for or processing or extraction of petroleum
17 products.

18 (20) "Permit" means an official document or card issued by the enforcing agency to authorize
19 performance of a specified electrical installation.

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

21 (22) "Telecommunications service provider" means a telecommunications carrier as defined in
22 ORS 133.721 or a telecommunications utility or competitive telecommunications provider, both as
23 defined in ORS 759.005.

24 (23) "Uncertified product" means any electrical product that is not an electrical product certi-
25 fied under ORS 479.760.

26 **SECTION 33.** ORS 693.115 is amended to read:

27 693.115. (1) The State Plumbing Board is established in the Department of Consumer and Busi-
28 ness Services, consisting of seven members appointed by the Governor. The appointment of a mem-
29 ber of the board is subject to confirmation by the Senate pursuant to section 4, Article III of the
30 Oregon Constitution.

31 (2) The members of the board shall be as follows:

32 (a) One journeyman plumber with 10 or more years' experience in the trade or calling of
33 journeyman plumber;

34 (b) One licensed plumbing contractor;

35 (c) One *[local]* **municipal** plumbing inspector who is a journeyman plumber;

36 (d) One registered professional mechanical engineer;

37 (e) One officer or employee of the Oregon Health Authority;

38 (f) One plumbing equipment supplier who otherwise qualifies by experience in the industry or
39 one building official; and

40 (g) One member of the general public.

41 (3) The term of office of each member is four years, but a member serves at the pleasure of the
42 Governor. Before the expiration of the term of a member, the Governor shall appoint a successor.
43 A member is not eligible for appointment to more than two full terms of office. If there is a vacancy
44 for any cause, the Governor shall make an appointment to become immediately effective for the
45 unexpired term.

1 (4) A member of the board shall receive compensation and expenses as provided in ORS 292.495.

2 **SECTION 34.** (1) Section 2 of this 2019 Act is added to and made a part of ORS 455.715
3 to 455.740.

4 (2) Sections 10 and 11 of this 2019 Act and ORS 455.148 are added to and made a part of
5 ORS chapter 455.

6
7 **COMPLIANCE DEADLINE**

8
9 **SECTION 35.** (1) No later than 90 days after the effective date of this 2019 Act, a
10 municipality that uses a building inspector not meeting the definition of “municipal
11 inspector” in ORS 455.010, or a building official not meeting the definition of “municipal
12 building official” in ORS 455.010, shall inform the Director of the Department of Consumer
13 and Business Services whether the municipality chooses to continue to administer and en-
14 force a building inspection program.

15 (2) If a municipality chooses under subsection (1) of this section to not continue the ad-
16 ministration and enforcement of the building inspection program, the director shall treat the
17 choice as an abandonment of the program for purposes of ORS chapter 455. If the aban-
18 doning municipality is a city, unless the county is also an abandoning municipality the di-
19 rector shall transfer administration and enforcement of the city program as provided under
20 ORS 455.148 (5) or 455.150 (5). If the abandoning municipality is a county, the director shall
21 take actions necessary for the administration and enforcement of the county building in-
22 spection program, and the building inspection program of any abandoning city within the
23 county, as provided under ORS 455.148 (6) or 455.150 (6).

24 (3) If a municipality chooses to continue the administration and enforcement of the
25 building inspection program, no later than July 1, 2020, all building inspectors and building
26 officials that the municipality is using must meet the applicable definitions in ORS 455.010.
27 If after July 1, 2020, the municipality uses building inspectors or building officials who do not
28 meet the applicable definitions under ORS 455.010, the director shall treat the action as an
29 abandonment of the program for purposes of ORS chapter 455 and proceed as described in
30 subsection (2) of this section.

31
32 **VALIDATION OF PAST ACTIONS**

33
34 **SECTION 36.** The Legislative Assembly hereby ratifies and declares valid any action
35 taken by a building inspector or building official as part of the administration and enforce-
36 ment of a building inspection program on behalf of a municipality that would have been a
37 lawful action if performed by the Department of Consumer and Business Services as part of
38 administering and enforcing a building inspection program.

39
40 **UNIT CAPTIONS**

41
42 **SECTION 37.** The unit captions used in this 2019 Act are provided only for the conven-
43 ience of the reader and do not become part of the statutory law of this state or express any
44 legislative intent in the enactment of this 2019 Act.

OPERATIVE DATE

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SECTION 38. Section 36 of this 2019 Act and the amendments to ORS 215.236, 446.250, 446.255, 447.091, 450.837, 455.042, 455.046, 455.062, 455.070, 455.080, 455.148, 455.150, 455.200, 455.210, 455.450, 455.485, 455.685, 455.800, 455.820, 479.530 and 693.115 by sections 12, 13 and 15 to 33 of this 2019 Act become operative on July 1, 2020.

EMERGENCY CLAUSE

SECTION 39. This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.
