

accordance with a compliance program as described in ORS 455.153 (2), require any person who is engaged in any activity regulated by the state building code to demonstrate proof of compliance with the applicable licensing, registration or certification requirements of ORS chapters 446, 447, 455, 460, 479, 480, 693 and 701. [Formerly 456.802; 1999 c.1045 §14; 2001 c.411 §16]

Note: 455.080 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 455 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

455.085 Publication; readability; funding. (1) The Director of the Department of Consumer and Business Services shall, upon receipt of adequate funds under subsection (2) of this section, publish all state building code provisions relating to the design, construction, prefabrication, equipment or appliance installation, quality of materials, use and occupancy location and repair of detached low-rise residential dwellings in two separate publications. One publication shall contain the applicable provisions of the specialty code adopted under ORS 479.730 (1) and the other publication shall contain the remaining applicable provisions of the state building code. The text of the publications made under this section shall be readable at the ninth grade level of reading, as determined by the director under one or more standard recognized readability formulas, including, but not limited to, the Flesch, Fry or Dale Chall tests.

(2) The publications under subsection (1) of this section shall be paid for by funds donated by interested citizens, who shall be made aware of the project by the Department of Consumer and Business Services through public service announcements and other nominal-cost advertising. Funds shall be collected until sufficient funds are available to conduct the publication. Refunds shall be made to the donors if sufficient funds are not collected. [Formerly 456.787 and then 455.635; 2003 c.675 §13]

455.090 Building codes information and services system or network. The Department of Consumer and Business Services may identify the resources necessary to develop a system or network that provides electronic access to building codes information and services for all building code jurisdictions in the state. The department may explore the availability of alternative means for establishing a statewide system or network for building codes information and services, including but not limited to developing resource sharing arrangements with private industry, obtaining foundation grants and obtaining federal funding. [2003 c.336 §1; 2005 c.56 §3]

Note: 455.090 and 455.095 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 455 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

455.095 Electronic access to building codes information and services. The Department of Consumer and Business Services shall develop and implement a system that provides electronic access to building codes information. The department shall make the system accessible for use by municipalities in carrying out the building inspection programs administered and enforced by the municipalities. The building codes information and services available through the system may include, but need not be limited to:

- (1) Licensing, permit, inspection and other relevant information;
- (2) Access to forms;
- (3) Electronic submission of permit applications;
- (4) Electronic submission of plans for review;
- (5) Electronic issuance of minor label or other appropriate permits;
- (6) Access to permit and inspection processes; and
- (7) Scheduling of inspections, tracking of corrections and granting of approvals. [2003 c.336 §2; 2005 c.56 §4; 2007 c.69 §4]

Note: See note under 455.090.

455.097 Electronic access system development and implementation; uniform form and format for electronic exchange of building program information; waiver of contrary form and format requirements; rules. (1) As used in this section, "form and format":

- (a) Means the arrangement, organization, configuration, structure or style of, or method of delivery for, providing required information or providing the substantive equivalent of required information.
- (b) Does not mean altering the substance of information or the addition or omission of information.

(2) The purpose of this section and ORS 455.095 is to enable the Department of Consumer and Business Services to develop and implement a system that:

- (a) Provides electronic access to building codes information;
- (b) Is designed to offer a full range of electronic building permits services;
- (c) Allows the streamlining of building inspection services;
- (d) Provides a uniform form and format for submitting building codes information electronically; and

(e) Is available for use by any municipality administering and enforcing a building inspection program.

(3) The department shall adopt rules to govern the form and format of building permit applications, **building plans**, specifications and other building program information exchanged through the electronic building codes information system described in ORS 455.095.

(4) **The department may waive a contrary form and format requirement imposed by statute or ordinance or by the rules of another agency for the submission of information in physical form to the extent the waiver is necessary to facilitate the submission of the information electronically. The department may accept an electronic reproduction of a signature, stamp, seal, certification or notarization as the equivalent of the original or may accept the substitution of identifying information for the signature, stamp, seal, certification or notarization. The department may not waive a requirement imposed by statute or ordinance or by the rules of another agency, other than a form and format requirement.**

(5) **A person exchanging information through the electronic building codes information system in a form and format acceptable to the department is not subject to any licensing sanction, civil penalty, fine, permit disapproval or revocation or other sanction for failure to comply with a form or format requirement imposed by statute, ordinance or rule for submission of the information in physical form, including but not limited to any requirement that the information be in a particular form or of a particular size, be submitted with multiple copies, be physically attached to another document be an original document or be signed, stamped, sealed, certified or notarized.** [2007 c.69 §2]

Note: 455.097 was added to and made a part of ORS chapter 455 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

(Director; Boards)

455.100 Duties of director. The Director of the Department of Consumer and Business Services shall have general supervision over the administration of the state building code regulations, including providing statewide interpretations for the plumbing, elevator, electrical, manufactured structures, boiler, amusement ride, structural, mechanical, low-rise residential dwelling and prefabricated structures codes. [Formerly 456.790; 1993 c.18 §113; 1993 c.744 §88; 2003 c.675 §§14,15]

455.110 Other duties of director; rules. Except as otherwise provided by ORS chapters 446, 447, 460, 476, ORS 479.015 to

479.220, 479.510 to 479.945, 479.990 and 479.995 and ORS chapter 480:

(1) The Director of the Department of Consumer and Business Services shall coordinate, interpret and generally supervise the adoption, administration and enforcement of the state building code.

(2) The director, with the approval of the appropriate advisory boards, shall adopt codes and standards, including regulations as authorized by ORS 455.020 governing the construction, reconstruction, alteration and repair of buildings and other structures and the installation of mechanical devices and equipment therein. The regulations may include rules for the administration and enforcement of a certification system for persons performing work under the codes and standards adopted under this subsection. However, this subsection does not authorize the establishment of a separate certification for performing work on low-rise residential dwellings.

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

(4) The director shall adopt rules requiring a journeyman plumber licensed under ORS chapter 693 or an apprentice plumber, as defined in ORS 693.010, who tests back-flow assemblies to complete a state-approved training program for the testing of those assemblies. [Formerly 456.770; 2003 c.675 §16; 2005 c.736 §2; 2007 c.71 §140]

455.112 Elimination of unclear, duplicative, conflicting or inadequate provisions; rules. Notwithstanding ORS 455.030 and 455.110, the Director of the Department of Consumer and Business Services may initiate the adoption of rules the director considers necessary to interpret,