



ePermitting Implementation Rules

Opportunity for public input:

Those who would like to provide public testimony may attend a public hearing on September 22, 2009 at 10:00 a.m. The hearing will be located at the Building Codes Division, Conference Room A. Written comments may also be submitted to the contact below. The last day to submit written comments is 5:00 p.m. September 25, 2009.

Live broadcast via the internet:

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

Purpose of the rule:

This proposed rule adopts administrative requirements for the statewide electronic permitting (ePermitting) system. The proposed rule sets forth the responsibilities of contractors using the system and clarifies that misuse of the system may potentially subject a contractor to sanctions.

This proposed rule would become effective October 1, 2009.

Citation:

Adopt: OAR 918-050-0850

History:

House Bill 2405, approved by the 2007 Legislature, allows the division to establish an integrated, full-service, statewide electronic permitting (ePermitting) program that would streamline the current permitting and plan review processes used by the 130 local jurisdictions that issue thousands of permits annually. This program is aimed at making it easier and less expensive for businesses to understand and to meet state regulations without reducing standards and protections.

Oregon is poised to lead the nation with the development of the first full access, interoperable, statewide ePermitting program. Oregon's activities in ePermitting and related regulatory streamlining initiatives are recognized among the best practices in the United States. This is a program that is being phased in over a 10 year period with a certain number of jurisdictions joining the program each year.

Contact:

If you have questions or need further information, please contact Hearing Officer Aeron Teverbaugh at (503) 373-1354, or Aeron.Teverbaugh@state.or.us.



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

Department of Consumer and Business Services, Building Codes Division 918
Agency and Division Administrative Rules Chapter Number

Shauna M. Parker PO Box 14470, Salem, OR 97309 (503) 373-7438
Rules Coordinator Address Telephone

RULE CAPTION

Clarifies the administration and conditions for use of the electronic permitting system.

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

September 22, 2009 10:00 a.m. 1535 Edgewater Street NW, Salem, OR 97304 Aeron Teverbaugh
Hearing Date Time Location Hearings Officer

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

RULEMAKING ACTION

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

ADOPT: 918-050-0850

AMEND:

REPEAL:

RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 455.095 & 455.097

Other Auth.:

Stats. Implemented: ORS 455.095, 455.097, 455.125, & 455.129

RULE SUMMARY

This proposed rule clarifies the administration of the statewide electronic permitting (ePermitting) system. It sets forth the responsibilities of contractors using the system and clarifies that misuse of the system can potentially subject a contractor to sanctions. Possible sanctions include: losing the ability to use the ePermitting system, civil penalties, and suspension or revocation of individual licenses.

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

Friday, September 25, 2009 by 5:00 p.m.

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

Patrick Allen

Signature Printed name Date

*Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005

STATEMENT OF NEED AND FISCAL IMPACT

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

Department of Consumer and Business Services, Building Codes Division

918

Agency and Division

Administrative Rules Chapter Number

Clarifies the administration and conditions for use of the electronic permitting system.

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

In the Matter of: Adopting 918-050-0850

Statutory Authority: ORS 455.095 & 455.097

Other Authority:

Stats. Implemented: ORS 455.095, 455.097, 455.125, & 455.129

Need for the Rule(s): This proposed rule is necessary to clarify the administration of the ePermitting program and the responsibilities of contractors using the system. The proposed rule also makes clear that misuse of the system can result in a contractor losing the right to use the system, and/or civil penalties, and/or license suspension or revocation.

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

Fiscal and Economic Impact:

Based on the available information the division cannot determine the fiscal impact of the rule. The sanctions allowed by this rule such as license suspension or revocation could have an unquantifiable fiscal impact on the specific business sanctioned as well as the division in pursuing the sanction. However, the division cannot anticipate the number of businesses that could be sanctioned under the rule, or the type of sanction that could be assessed.

Statement of Cost of Compliance:

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

The division does not anticipate any economic impact on state agencies other than the division which administers the program. There should be no impact on units of local government or the public.

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

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: Because new contractors are continually registering to use the ePermitting system, the exact number of "small businesses" using the e-permitting system is unknown at this time.

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

The proposed rule only clarifies the administration of the ePermitting system and does not add any new requirements, which means there should be no additional reporting, recordkeeping or other administrative activities required for compliance. Use of the ePermitting system is intended to streamline the administrative process and save small businesses time and money.

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

There are no additional equipment, supplies, labor, or other increased administration required of small businesses in order to comply with this rule.

How were small businesses involved in the development of this rule? Small businesses are represented on the e-permitting steering group.

Administrative Rule Advisory Committee consulted?: No.

If not, why?: Small businesses and local jurisdictions are represented on the ePermitting steering group.

Signature	Patrick Allen Printed name	Date
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Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2007

**ePermitting Rules
Draft: 8/10/09**

918-050-0850

Administration of Electronic Permitting

(1) As used in this rule, unless context requires otherwise:

(a) “Electronic permitting” means the Oregon eBuildingPermits system implemented under ORS 455.095 and the minor label program implemented under ORS 455.155.

(b) “Contractor” means a contractor holding a Construction Contractors Board license and, if applicable, a contractor license issued by the division.

(c) “Department” means the Department of Consumer and Business Services.

(d) “Division” means the Building Codes Division of the Department of Consumer and Business Services.

(e) “In good standing” means a person is currently licensed with no outstanding penalties due and owing for violations of construction standards, permitting requirements, or any construction related licensing or certification to the division, the department, the Construction Contractors Board, or any other state.

(2) The following persons are eligible to utilize the electronic permitting systems:

(a) Contractors in good standing;

(b) Persons designated by a contractor in good standing.

(3)(a) Where the division finds a contractor has provided inaccurate, false, or misleading information when using the electronic permitting system, including but not limited to information regarding appropriate licenses, certifications, or plan review, it may prohibit the contractor from using the system for a length of time determined by the division; and,

(b) The division may take any action it considers appropriate, including civil penalties, and suspension, revocation, conditioning, or denial of the contractor’s license.

(4) Contractors found to have violated any provision of ORS 455.125, 455.127, or 455.129 may be prohibited from using the electronic permitting system for a length of time determined by the division.

Stat. Auth.: ORS 455.095 & 455.097

Stats. Implemented: ORS 455.095, 455.097, 455.125, & 455.129

Hist.: New

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